1724 SUNNYHILLS COURT PROJECT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

MILPITAS, CALIFORNIA

LSA

September 2020

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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE 1724 SUNNYHILLS COURT PROJECT

NOTICE IS HEREBY GIVEN that the City of Milpitas (City) has completed an Initial Study/Mitigated Negative Declaration for the proposed 1724 Sunnyhills Court Project in accordance with the California Environmental Quality Act.

Project Location: The approximately 2.2-acre project site is located a within the existing 12.66-acre Sunnyhills Apartment complex at 1724 Sunnyhills Court in the City of Milpitas in Santa Clara County. The project site is located in northern Milpitas, in an area consisting primarily of residential, commercial, and light industrial uses. The project site is bound by Dixon Road to the north, single-family residential uses to the east and south, and commercial uses to the west.

Proposed Project: The proposed project involves the demolition of an existing leasing/community building within the existing Sunnyhills Apartment complex and the construction of 44 two- to three-story multi-family residential units, a new leasing building, the addition of 87 parking spaces, and associated site improvements including a new driveway to connect an existing drive aisle to a new fire access road.

Findings: The Initial Study prepared by the City was undertaken for the purpose of deciding whether the proposed project may have a significant effect on the environment. On the basis of the Initial Study, City staff has concluded that the proposed project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration. The project site is not on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5.

Public Review: The IS/MND is available for review online at: http://www.ci.milpitas.ca.gov/milpitas/departments/38397-2/. Written comments will be accepted from **September 17, 2020 to October 7, 2020**. Comments will also be accepted at the regularly scheduled **Planning Commission hearing on September 23, 2020**. Comments from all Responsible Agencies and interested parties are requested. Any person wishing to comment on the Draft IS/MND must either make verbal comments at the Planning Commission hearing or submit written comments to the following:

Rozalynne Thompson
455 East Calaveras Boulevard
Milpitas, CA 95035
408-586-3278
rthompson@ci.milpitas.ca.gov

In response to the ongoing COVID-19 pandemic, the Planning Department and City Offices are currently closed to the public. If you require additional accommodation to review the IS/MND, please contact Rozalynne Thompson at the email or phone number listed above.

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1724 SUNNYHILLS COURT PROJECT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

MILPITAS, CALIFORNIA

Submitted to:

Rozalynne Thompson, Senior Planner
City of Milpitas
Planning Department
455 East Calaveras Boulevard
Milpitas, California 95035

Prepared by:

LSA
157 Park Place
Pt. Richmond, California 94801
510.236.6810

Project No. MLP1902.02

LSA

September 2020

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LIST OF ABBREVIATIONS AND ACRONYMS

µg/m^3	micrograms per cubic meter
µin/sec	microinches per second
AB	Assembly Bill
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
Basin Plan	Water Quality Control Plan
BMP	Best Management Practices
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CAP	Climate Action Plan
CARB	California Air Resource Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CH_4	Methane
City	City of Milpitas
Clean Air Plan	Bay Area Air Quality Management District 2017 Clean Air Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	Carbon dioxide

CO_2e	CO_2 equivalents
dB	decibel
dBA	A-weighted (sound level) decibels
EOP	Santa Clara County Emergency Operations Plan
FHWA	Federal Highway Administration
Fire Department	City of Milpitas Fire Department
FTA	Federal Transit Administration
GHG	Greenhouse gas
GWh	gigawatt hours
GWP	Global Warming Potential
HCM	Highway Capacity Manual
HFCs	Hydrofluorocarbons
HQTC	High Quality Transit Corridor
HVAC	heating, ventilation, and air condition
I-680	Interstate 680
I-880	Interstate 880
in/sec	inches per second
IPCC	Intergovernmental Panel on Climate Change
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
kWh	kilowatt hours
L_{dn}	day-night average level
L_{eq}	equivalent continuous sound level
LID	Low Impact Development

L_{max}	Maximum instantaneous noise level
LOS	Level of Service
L_v	velocity in decibels
MERV	Minimum Efficiency Reporting Value
mgd	million gallons per day
MLD	Most Likely Descendant
mpg	miles per gallon
MRP	San Francisco Bay Regional Water Quality Control Board Municipal Regional Permit
MT	metric tons
MUSD	Milpitas Unified School District
N_2O	Nitrous oxide
NAHC	California Native American Heritage Commission
NO_2	nitrogen dioxide
NO_x	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
O_3	ozone
OPR	Governor's Office of Planning and Research
Pb	lead
PFCs	Perfluorocarbons
PG&E	Pacific Gas & Electric
PM	particulate matter
PM_{10}	respirable particulate matter
$PM_{2.5}$	fine particulate matter

Police Department	City of Milpitas Police Department
POTWs	publicly-owned treatment works
PPV	peak particle velocity
project	1724 Sunnyhills Court Project
RMS	root-mean-square
ROG	Reactive organic gases
SB	Senate Bill
SBWR	City of San José South Bay Water Recycling
SCP	Stormwater Control Plan
SCV HCP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District
SF_6	Sulfur Hexafluoride
SFPUC	San Francisco Public Utilities Commission
SO_2	sulfur dioxide
SRA	State responsibility area
STC	Sound Transmission Class
SWITRS	Statewide Integrated Traffic Records System
SWPPP	Storm Water Pollution Prevention Plan
TACs	toxic air contaminants
Traffic Study	Traffic Operations Report
UCMP	University of California Museum of Paleontology
USGS	United States Geological Survey
UWMP	Urban Water Management Plan

VdB	vibration velocity in decibels
VMT	vehicle miles traveled
VTP	Santa Clara Valley Transportation Authority Countywide Valley Transportation Plan
Water Board	San Francisco Bay Regional Water Quality Control Board
WPCP	San José/Santa Clara Water Pollution Control Plant
ZE	zero emission

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1.0 PROJECT INFORMATION

1. **Project Title:**
   1724 Sunnyhills Court Project

2. **Lead Agency Name and Address:**
   City of Milpitas
   Planning Department
   455 East Calaveras Boulevard
   Milpitas, California 95035

3. **Contact Person and Phone Number:**
   Rozalynne Thompson, Senior Planner
   Phone: (408) 586-3278

4. **Project Location:**
   1724 Sunnyhills Court, Milpitas, CA 95035

5. **Project Sponsor's Name and Address:**
   Sunnyhills Investors LLC
   100 Saratoga Avenue, #300
   Santa Clara, CA 95051

6. **General Plan Designation:** Multi-Family High Density (MFH)

7. **Zoning:** Multi-Family High Density Residential (R3)

8. **Description of Project:**
   The proposed project involves the demolition of an existing leasing/community building within the existing Sunnyhills Apartment complex and the construction of 44 two- to three-story multi-family residential units, a new leasing building, the addition of 87 parking spaces, and associated site improvements including a new driveway to connect an existing drive aisle to a new fire access road. See Section 2.0, Project Description of this Initial Study, for a full project description.

9. **Surrounding Land Uses and Setting:**
   The project site is located within the southeast corner of the existing Sunnyhills Apartments complex and is bound by existing apartment complex buildings to the north, west, and south, and by single-family residential uses to the east. The Sunnyhills Apartment complex is bound by Dixon Road to the north, residential uses to the east and south, and commercial uses to the west.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):

City of Milpitas Fire Department, Santa Clara Valley Water District

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.??

California Native American tribes traditionally and culturally affiliated with the project site and area were notified of the proposed project on July 24, 2020. The City did not receive any requests for consultation during the 30-day notification period. Therefore, the City considers the AB 52 consultation process to be concluded.

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2.0 PROJECT DESCRIPTION

The following describes the proposed 1724 Sunnyhills Court Project (project) that is the subject of this Initial Study/Mitigated Negative Declaration (IS/MND) prepared pursuant to the California Environmental Quality Act (CEQA). The proposed project would result in the demolition of an existing leasing/community building located within the Sunnyhills Apartment complex (apartment complex) and the construction of 44 new residential units within 6 buildings, construction of a new leasing/community building, addition of 87 parking spaces, and construction of associated site improvements including a new driveway to connect an existing drive aisle to a new fire access road. The proposed project would also include the removal of 31 protected trees from the project site. The City of Milpitas (City) is the Lead Agency for review of the proposed project under CEQA.

2.1 PROJECT SITE

The following section describes the project location, existing conditions, surrounding land uses, and the regulatory setting.

2.1.1 Project Location

The approximately 12.66-acre apartment complex is located at 1724 Sunnyhills Court in the City of Milpitas in Santa Clara County (Assessor's Parcel Number [APN] 026-06-009). The project site is located in northern Milpitas in an area consisting primarily of residential, commercial, and light industrial uses. The project site is bound by Dixon Road to the north, single-family residential uses to the east and south, and commercial uses to the west.

Regional vehicular access to the project site is provided by Interstate 880 (I-880), with on/off ramps located along Dixon Landing Road approximately 0.75 mile to the west. Interstate 680 (I-680) also provides regional access to the project site, with on/off ramps located approximately 1 mile northeast along Scott Creek Road. Bus stops located on Dixon Road and North Milpitas Boulevard provide transit access to the project site. Figure 2-1 shows the regional and local context of the project site. Figure 2-2 depicts an aerial photograph of the project site and surrounding land uses.

2.1.2 Existing Conditions

The project site is generally level and is located within the existing apartment complex. The apartment complex currently consists of 171 multi-family units grouped within 45 one- to two-story buildings, a leasing/community building, and common open space areas consisting of grass lawns, a playground, and a basketball court. Vegetation also includes mature trees located throughout. Access to the apartment complex is provided by Sunnyhills Court, which generally runs through the center of the complex and connects to Dixon Road and North Milpitas Boulevard. The apartment complex currently has 259 off-street parking spaces, 173 of which are covered and 86 of which are uncovered.

As shown in Figure 2-3, the project site itself consists of an approximately 2.2-acre area that is developed with the one-story, approximately 4,690-square-foot leasing/community building and

playground areas situated in the center of the site and at the southeast corner of the apartment complex. The community building currently serves as common recreational space for residents of the apartment complex as well as the leasing office and is not open to the public. A total of nine parking spaces are located in front of the existing leasing office for guest use and users of the community building. A large open lawn area is located at the northern end of the site. A total of 31 trees are located within the project site.

2.1.3 Surrounding Land Uses

As shown in Figure 2-2, the apartment complex is generally surrounded by residential, commercial, and light industrial uses. To the north the apartment complex is bound by Dixon Road, across which are commercial and residential uses. Single-family residential uses border the apartment complex to the east, as well as the Joseph Weller Elementary School. South of the apartment complex are additional single-family residential uses. The apartment complex is bound to the west by the City Square Center, which consists of various commercial uses, past which is North Milpitas Boulevard. As noted above, the project site is located within the southeast corner of the apartment complex. The project site itself is bound by existing apartment complex buildings to the north, west, and south, and by single-family residential uses to the east.

2.1.4 Regulatory Setting

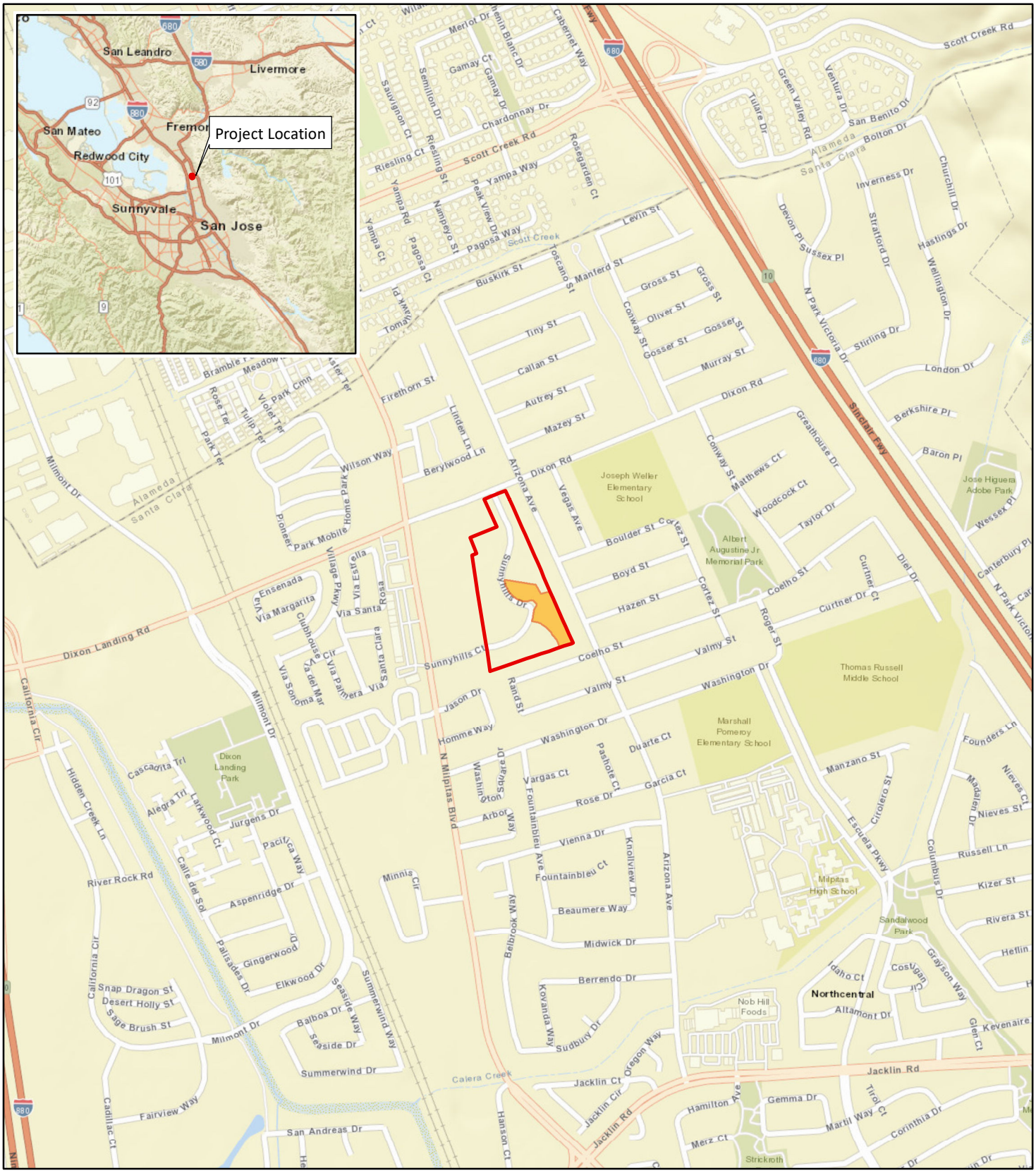
The City of Milpitas General Plan Land Use Map designates the project site as Multi-Family High Density (MFH).[1] This land use is intended to accommodate a variety of housing types, ranging from row houses to triplexes and fourplexes, stacked townhouses and walk-up garden apartments at a density of up to 40 units per acre. The City of Milpitas Zoning Map identifies the project site as Multi-Family High Density Residential (R3).[2] Multi-family dwellings are permitted with a density of 31 to 40 units per gross acre. Additionally, the project site is designated as a Planned Unit Development (PUD).

2.2 PROPOSED PROJECT

The proposed project involves the demolition of the existing leasing/community building on the project site and the construction of 44 two- to three-story multi-family residential units, a new leasing building, the addition of 87 parking spaces, and associated site improvements including a new driveway to connect an existing drive aisle to a new fire access road. The conceptual site plan for the proposed project is depicted in Figure 2-4 and individual components of the proposed project are discussed below.

1 Milpitas, City of, 2012. General Plan Land Use Map, Figure 2-1. Available online at: www.ci.milpitas.ca.gov/_pdfs/plans_map_general_plan_land_use.pdf

2 Milpitas, City of, 2015. Zoning Map. January.



LSA

LEGEND

Existing Sunnyhill Apartments

Project Site

FIGURE 2-1

N

0 500 1000

FEET

SOURCE: ESRI World Maps (02/2020).

I:\MLP1902.02\GIS\Maps\Figure 2-1_Project Vicinity Map.mxd (4/20/2020)

1724 Sunnyhills Court Project IS/MND

Project Vicinity Map

LSA

FIGURE 2-2

0 400 800
FEET

N

Existing Sunnyhills Apartments

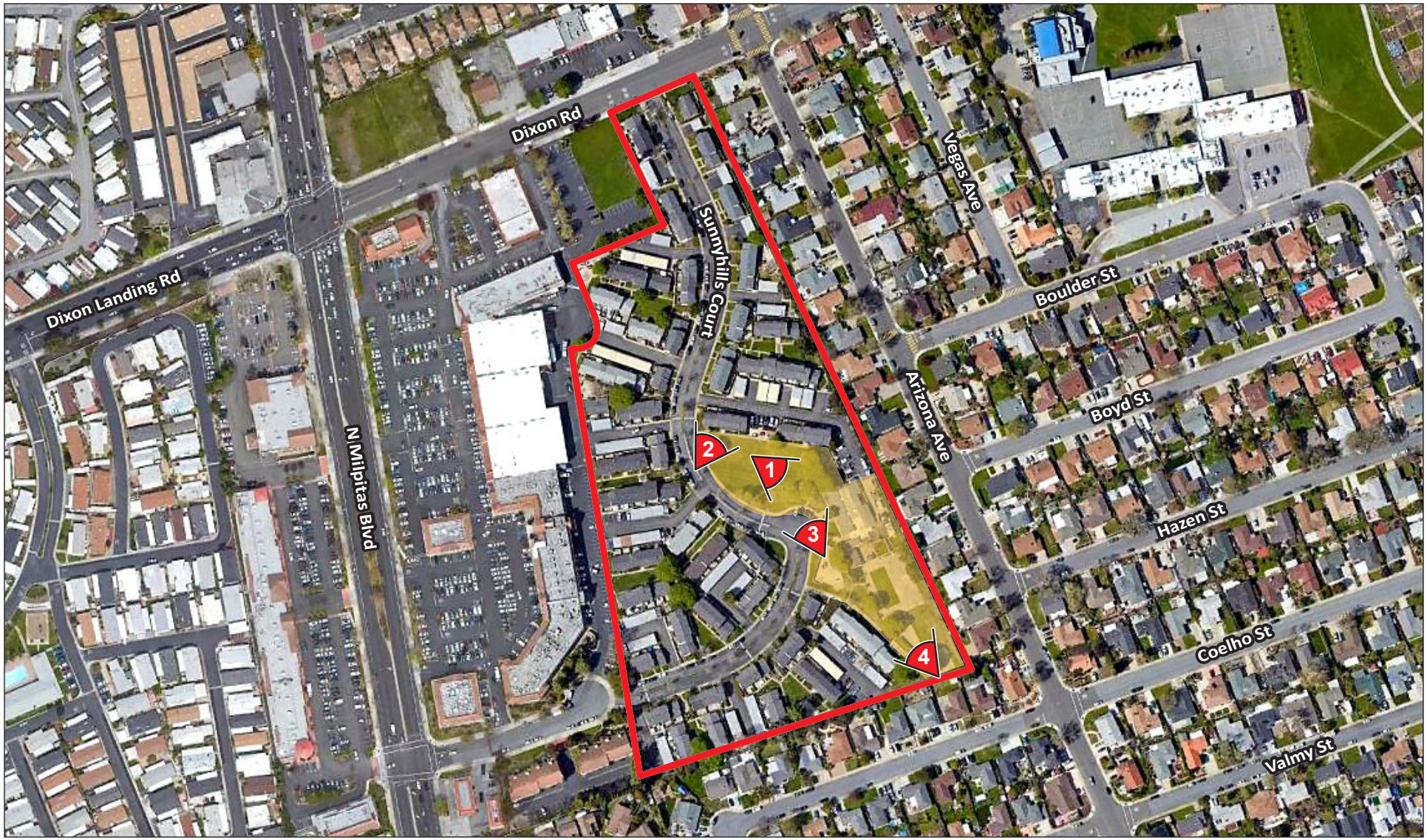
Project Site

1724 Sunnyhills Court Project IS/MND

Aerial Photograph of the Project Site and Surrounding Land Uses

SOURCES: GOOGLE EARTH, 3/28/18; LSA, 2020.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure 2-2.ai (4/20/2020).



LSA

FIGURE 2-3

0 200 400
FEET

N

4 Photo Locations

Existing Sunnyhills Apartments

Project Site

1724 Sunnyhills Court Project IS/MND

Aerial Photograph of Existing Site Conditions and Photo Locations

SOURCES: GOOGLE EARTH, 3/28/18; LSA, 2020.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure 2-3.ai (6/4/2020).

Photo 1: Existing leasing/community building

Photo 2: Existing residential buildings along the northern boundary of the project site

LSA

FIGURE 2-4

1724 Sunnyhills Court Project IS/MND
Photos of Existing Site

Photo 3: Northern portion of the project site, as seen from the leasing/community building

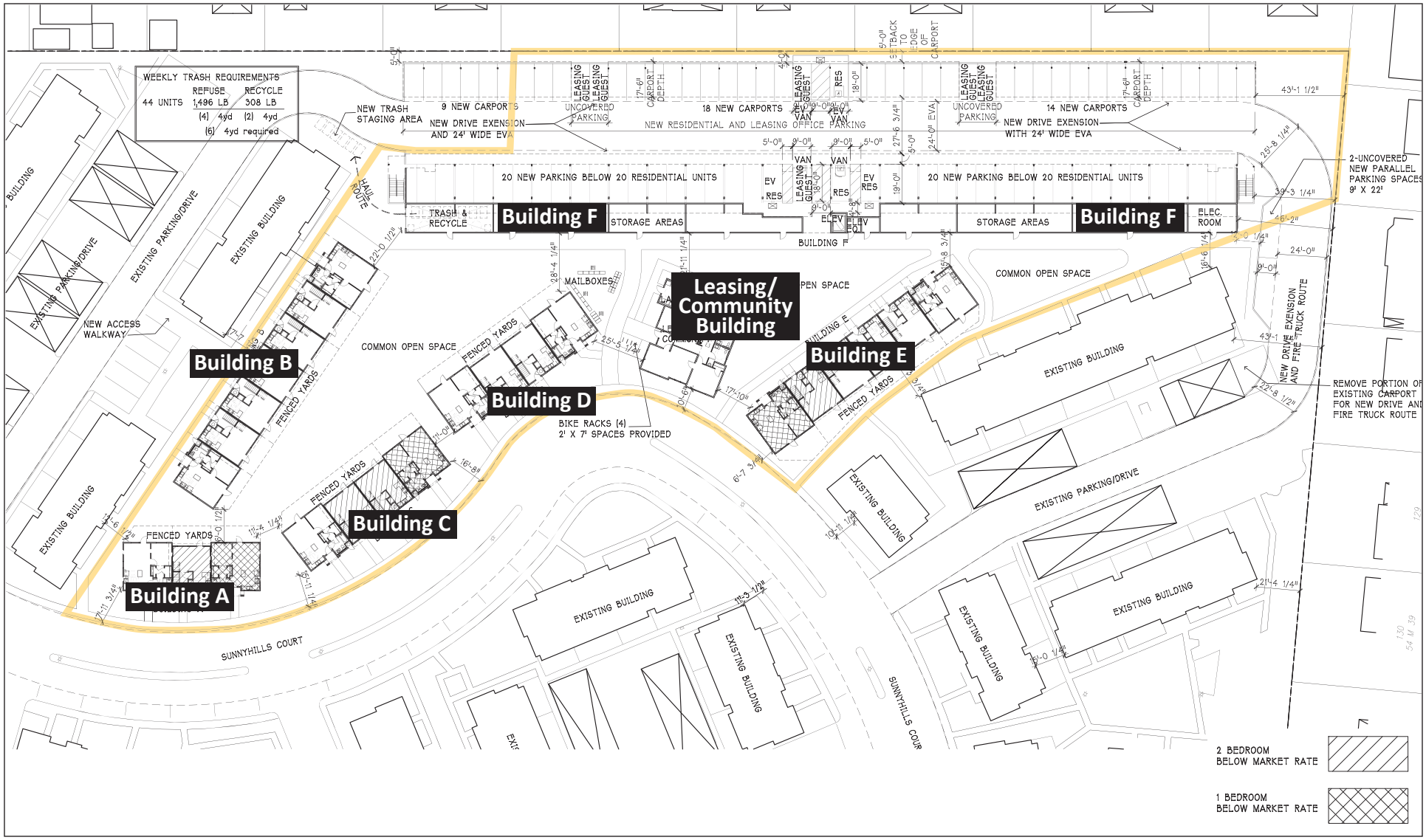
Photo 4: Southern portion of the project site and adjacent buildings

LSA

FIGURE 2-5

1724 Sunnyhills Court Project IS/MND

Photos of Existing Site



LSA

FIGURE 2-6

NOT TO SCALE

Project Site

1724 Sunnyhills Court Project IS/MND
Conceptual Site Plan

SOURCE: LPMD ARCHITECTS, MARCH 2020.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure 2-6.ai (6/4/2020).

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2.2.1 Building Program

As noted above, the proposed project would result in the demolition of the existing leasing and community building and the construction of 44 new multi-family residential units. The proposed project would include seven new buildings, five of which (Buildings A through E) would be two stories and a maximum of 26 feet in height and contain three to seven residential units each. The largest building (Building F) would be three stories and a maximum of 35 feet in height and would contain 20 residential units. Building F would include 20 new carports on the ground level above one- and two-story apartments. Table 2.A provides a summary of the number of units, maximum height, and size of each of the buildings included in the proposed project.

Table 2.A: Proposed Building Summary

Building Name	Size (square feet)	Total Units	1-Bedroom Units	2-Bedroom Units
Building A	2,089	3	2	1
Building B	5,801	7	2	5
Building C	3,017	4	2	2
Building D	3,017	4	2	2
Building E	4,873	6	2	4
Building F	30,386	20	4	16
Community/Leasing	1,791	N/A	N/A	N/A
Total	50,974	44	14	30

Source: LPMD Architects (2020), compiled by LSA.

As shown in Table 2.A, each building would include both 1- and 2-bedroom apartment units. The proposed 1-bedroom apartment units would consist of one level, while the 2-bedroom units would be two levels. Of the proposed 44 units, a total of 7 (15 percent) are proposed to be affordable at the Extremely Low Income level (approximately 30 percent of the area median income).

The proposed project would also include a new leasing and community building, which would be approximately 1,791 square feet in size and would include office space as well as laundry for use by current and new residents of the project site.

In total, the proposed project would increase the amount of gross building area on the project site from 114,515 square feet to 137,212 square feet. Conceptual elevations for Buildings B and F, which would be the two largest buildings included in the proposed project, are shown in Figures 2-5 and 2-6. A conceptual rendering of the typical design of the proposed buildings is shown in Figure 2-7.

2.2.2 Open Space and Landscaping

A total of approximately 64,439 square feet of common open space, approximately 376 square feet per unit, is currently provided throughout nine different common areas within the existing apartment complex. With development of the proposed project, the total amount of common open space would be reduced to approximately 53,049 square feet, or approximately 246 square feet per unit, among 11 different common open space areas. Three of these open space areas (a total of 12,679 square feet) would be located within the project site.

A total of approximately 32,797 square feet of private open space, or an approximate average of 191 square feet per unit, is currently provided adjacent to each existing building on the project site. With development of the proposed project, the total amount of private open space would increase to approximately 40,527 square feet, but be reduced to an average of approximately 188 square feet per unit, within open spaces adjacent to the proposed buildings.

In total, the proposed project would result in a slight decrease in overall common and private open space within the apartment complex from approximately 97,236 square feet to approximately 93,576 square feet.

In addition, the proposed project would include a total of 3,440 square feet of bio-retention space in 10 different areas adjacent to the proposed buildings. All of the 31 trees within the project site would be removed during construction of the proposed project, and a total of approximately 86 new trees would be planted.

2.2.3 Access, Circulation and Parking

As previously noted, direct access to the project site is provided by Sunnyhills Court, which is accessible from Dixon Road to the north and North Milpitas Boulevard to the west. Access to the existing apartment complex and the project site would remain the same with implementation of the proposed project. However, Sunnyhills Court would be modified to accommodate the proposed buildings. Specifically, the bulb-out and parking area that currently exists near the existing community building would be removed. Additionally, the existing alleyway located north of proposed Building B (as shown on Figure 2-4) would be modified to allow for vehicular access to the drive aisle adjacent to Building F, which would provide access to 81 covered carports and 6 uncovered parking spaces, for a total of 87 new parking spaces. As noted above, 40 of these carports would be located below Building F. Additionally, the existing driveway west of the proposed Building E would be extended to connect to the drive aisle adjacent to Building F. A total of four new bicycle parking spaces would also be installed adjacent to the proposed leasing/community building.

2.2.4 Utilities and Infrastructure

The project site is located in an urban area that is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

2.2.4.1 Water

Water service to the project site is provided by the City of Milpitas. The proposed project would include the installation of new water lines on the site that would connect to the existing 8-inch water main located within Sunnyhills Court.

2.2.4.2 Wastewater

The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line that generally runs along the southern border of the project site and 4-inch lines that

generally run throughout the project site. New 4-inch lines would be installed within the drive aisle adjacent to Building F and within Sunnyhills Court.

2.2.4.3 Stormwater

The existing buildings, paving, concrete and other impervious surfaces account for approximately 9.4 acres (74 percent) of the 12.66-acre apartment complex. The remaining 3.2 acres are covered by pervious surfaces consisting of landscaping. Stormwater infrastructure on the project site currently consists of storm drains and associated catch basins located within Sunnyhills Court and along the western, southern, and eastern boundaries. Storm drains on the project site vary in size, consisting of 8-inch drains located within Sunnyhills Court, increasing in size until they reach the 42-inch storm drain located along the southern boundary of the project site.

Upon construction of the proposed project, approximately 9.9 acres (78 percent) of the project site would be covered by impervious surfaces and approximately 2.76 acres (22 percent) would be covered by pervious surfaces, consisting of landscaped areas with lawns, shrubs, trees, and bioretention areas, as mentioned above. Stormwater drains, ranging from 6- to 8-inches, and catch basins would be installed throughout the site, connecting to the existing storm drains mentioned above.

2.2.4.4 Electricity, Natural Gas, and Telecommunications

Each of the buildings included in the proposed project would include connections to the existing electricity and telecommunications lines that currently run through the project site. Additionally, the new leasing and community building would include a natural gas connection.

2.2.5 Demolition and Construction

As noted above, the proposed project would result in the demolition of the existing leasing/community building and adjacent surface pavements on the project site. The maximum depth of excavation for building pads would be approximately 2.5 to 3 feet from the existing grade and the maximum depth of utility trenching would be approximately 11 feet. It is anticipated that a total of 7,000 cubic yards of soil would be excavated and 400 cubic yards would be used for fill, and therefore approximately 6,600 cubic yards of cut would be exported from the site in a total of 493 truck trips. Construction of the proposed project in anticipated to begin in early 2021 and would occur over an approximately 12-month period.

2.3 PROJECT APPROVALS

As noted above, the existing project site is subject to the conditions of a PUD. Therefore, the proposed project would require a PUD Amendment. In addition, Section XI-10-57.03 of the City's Municipal Code identifies the purpose and need for Site Development Permits. As noted in Section XI-10-57.03(A)(1), the Site Development Permit process provides for discretionary review of proposed physical improvements to a site that require special consideration due to the proposed scale, proximity to environmentally sensitive resource areas, or unique design features. Per Section XI-10-57.03(C)(1) of the City's Municipal Code, development of the proposed project would require a Site Development Permit because it involves the construction of a new building.

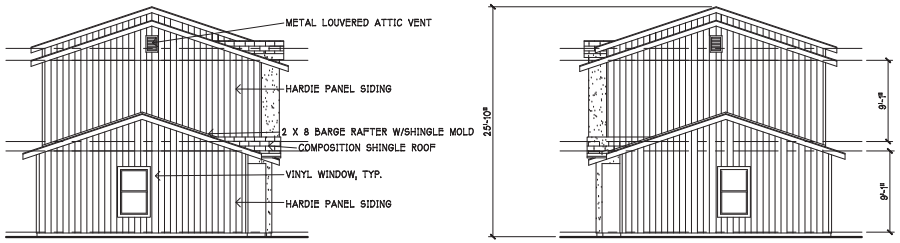
The proposed removal of 31 protected trees requires a Tree Removal Permit pursuant to Section X-2-4.02 of the City of Municipal Code. Section X-2-7.01 of the City's Municipal Code defines "protected trees" as (a) [a]ll trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property; (b) [a]ll trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property; (c) [a]ll trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; (d) [a]ny tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above; (e) [a]ll trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped or underdeveloped property; and (f) [a]ll heritage trees or groves of trees.

While the City is the CEQA Lead Agency for the proposed project, other public agencies and private entities also have discretionary authority related to the project and approvals, or serve as a responsible and/or trustee agency in connection to the proposed project. A list of these agencies and potential permits and approvals that may be required is provided in Table 2.B.

Table 2.B: Potential Permits and Approvals

Lead Agency	Permits/Approvals
City of Milpitas	● Adoption of the IS/MND for the 1724 Sunnyhills Court Project ● Planned Unit Development Amendment ● Site Development Permit ● Tree Removal Permit
Other Agencies	
City of Milpitas Fire Department	● Review/Approve fire truck access and site fire flow design
Santa Clara Valley Water District	● Connection to water system ● Connection to wastewater system
Pacific Gas & Electric (PG&E)	● Reconnection of electricity/natural gas service

Source: LSA (2020).



SIDE ELEVATIONS

REAR ELEVATION

FRONT ELEVATION

LSA

FIGURE 2-7

NOT TO SCALE

SOURCE: LPMD ARCHITECTS, OCTOBER 2019.

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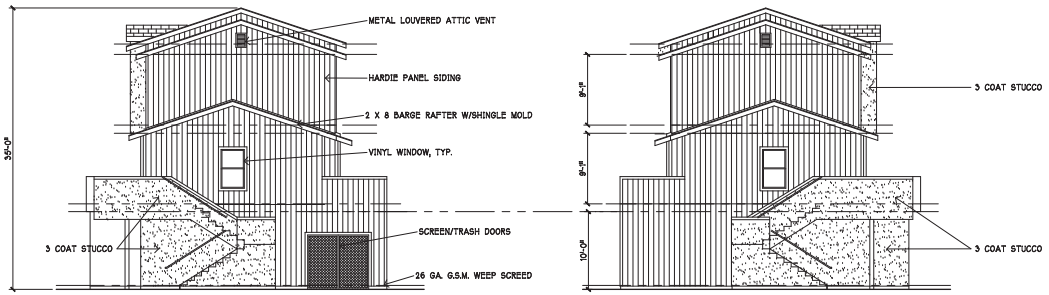
1724 Sunnyhills Court Project IS/MND

Conceptual Building Elevations - Building B



SIDE ELEVATION

SIDE ELEVATION

ELEVATION FACING COMMON AREAS PART 1 (PART 2 SIMILAR)

ELEVATION FACING PARKING PART 1 (PART 2 SIMILAR)

40 TUCK UNDER PARKING SPACES

LSA

FIGURE 2-8

NOT TO SCALE

1724 Sunnyhills Court Project IS/MND

Conceptual Building Elevations - Building F

SOURCE: LPMD ARCHITECTS, OCTOBER 2019.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure 2-8.ai (6/4/2020).

COLOR SCHEME & 3D MODEL OF TYPICAL PROPOSED BUILDING

LSA

FIGURE 2-9

1724 Sunnyhills Court Project IS/MND
Conceptual Building Rendering

SOURCE: LPMD ARCHITECTS, OCTOBER 2019.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure 2-9.ai (6/4/2020).

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3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 3.0.

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

3.1 DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

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

Signature

September 17, 2020
Date

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4.0 CEQA ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

a. Would the project have a substantial effect on a scenic vista? ***(Less-Than-Significant Impact)***

Scenic vistas are generally defined as publicly-accessible viewpoints that provide expansive or panoramic views of scenic resources. Scenic vistas in Milpitas are generally available from the hills to the east, including Ed Levin Park and adjacent areas. These areas are generally accessed by East Calaveras Boulevard, which is designated as a scenic connector from the City limits to the west to Evans Road, at which point it is designated as a scenic corridor until it terminates in Ed Levin Park. Public views of scenic resources, including the southern part of San Francisco Bay and associated baylands, and urbanized areas, including all of Milpitas, Mountain View, and northern San José, are primarily available from this area. There is also a scenic area on the eastern border of Milpitas along the Coyote Creek corridor.

Views of the hills to the east are generally available throughout the City, including from the private vantage points from within the project site. However these views are narrow and largely obscured by existing development and mature trees on and adjacent to the project site. As noted in Section 2.0, Project Description, the proposed buildings would range from one- to three-stories and would be a maximum of 35 feet in height. Existing residential uses adjacent to the project site, including within the Sunnyhills Apartments complex and along Arizona Avenue and Coelho Street are generally one- to two-stories in height. As noted above, views of the hills are generally available to the east, and therefore the proposed project would not obscure any views along Arizona Avenue or Coelho Street. Proposed Building F would be one-story taller than the majority of the surrounding buildings, however because of the surrounding development (both existing and proposed), views of the hills would only be obscured from a small portion of Sunnyhills Court.

Therefore, development of the proposed project would not substantially obscure any views of scenic vistas from surrounding public vantage points, such as trails or designated viewing areas, as none are located within the vicinity of the project site. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and this impact would be less than significant.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***(No Impact)***

The proposed project is not located within the vicinity of any State scenic highways. Interstate 680 (I-680), from Mission Boulevard in the City of Fremont to the Contra Costa County line, is listed as an Eligible State Scenic Highway but is not an officially designated State scenic highway and is located approximately 7 miles north of the project site in the City of Fremont.[3] Given this distance, the proposed project would not be visible from this scenic roadway. Interstate 880 (I-880) and I-680 both run north-south through Milpitas, and are designated Scenic Connectors in the City's General Plan, indicating that they provide access to Scenic Corridors or distant views but do not necessarily traverse an area of scenic value. Lands abutting Scenic Connectors are not subject to Scenic Corridor land use guidelines. As such, the proposed project would have no impact on scenic resources located within view of a State scenic highway.

c. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ***(Less-Than-Significant Impact)***

The project site is located within an urbanized area. As noted in Section 2.0, Project Description, the project site is located within the R3 zoning district. Multi-family residential units are a permitted use within the R3 district, which has a maximum density of 12 to 20 units per gross acre and a maximum height for principal buildings of 35 feet and 25 feet for accessory buildings. The proposed project would have a density of 17 dwelling units per gross acre, and a maximum building height of approximately 35 feet.

As also noted in Section 2.0, Project Description, a Site Development Permit would also be required for the proposed project, which would provide for the review of the physical improvements to the project site, including the overall building scale, massing, and design to ensure compatibility and compliance with City requirements governing scenic quality.

Therefore, because the proposed project would be consistent with the development standards set forth by the City's Zoning Ordinance and a Site Development Permit and site-specific review of the proposed building would be required as part of this process, the proposed project would not conflict

[3] California, State of, 2011. Department of Transportation. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed April 2020).

with applicable zoning or other regulations governing scenic quality, and this impact would be less than significant.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***(Less Than Significant with Mitigation Incorporated)***

The project site is located in an urban area with a variety of existing light sources including street lights, interior and exterior building lighting, and light associated with traffic on nearby roadways, Dixon Road and North Milpitas Boulevard. Development of the proposed project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior lighting at townhome buildings and lighting associated with additional vehicular traffic to and from the project site. The City's Zoning Ordinance includes the following policies related to outdoor lighting that would be applicable to the proposed project:

- **Section XI-10-54.17 – Lighting Exterior.** Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. Fixtures shall be appropriate in terms of height, style, design, scale and wattage to the use of the property. Fixtures shall be spaced appropriately to maximize pedestrian safety.

To ensure that the proposed project complies with City requirements and that the proposed project's final design avoids all excess light and glare, implementation of Mitigation Measure AES-1, below, would be required to ensure that potentially significant light and glare impacts are reduced to less-than-significant levels.

Mitigation Measure AES-1: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project design and building materials shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with Sections XI-10-45.15-3 of the City's Zoning Ordinance and the proposed lighting plan shall be reviewed and approved by the City's Planning Division prior to issuance of a building permit.

4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

*a. Would the project 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? **(No Impact)***

The project site is currently developed with the existing community center and leasing office for the Sunnyhills Apartments complex. The project site is classified as "Urban and Built-Up Land" by the State Department of Conservation.[4] Therefore, the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to another use, and no impact would occur.

[4] California Department of Conservation, 2016. Division of Land Use Resource Protection. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/ (accessed April 2020).

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? ***(No Impact)***

The project site is designated as MFH on the City's General Plan Land Use Map[5] and is within the R3 zoning district.[6] The project site is not located within a locally-designated agricultural preserve, and is therefore not eligible for a Williamson Act contract.[7] Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract and no impact would occur.

c. Would the project 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))? ***(No Impact)***

The project site is currently developed with the existing community center and leasing office for the Sunnyhills Apartments complex and is surrounded by residential and commercial uses. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor would it result in the loss of forest land or conversion of forest land to non-forest uses. As such, no impact to forest land or timberland would occur.

d. Would the project result in the loss of forest land or conversion of forestland to non-forest use? ***(No Impact)***

Please refer to Section 4.2.c. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses.

e. Would the project 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? ***(No Impact)***

Please refer to Sections 4.2.a. and 4.2.c. The project site is located in an existing urban environment and would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

5 Milpitas, City of, 2012, op. cit.
6 Milpitas, City of, 2015. Zoning Map. January.
7 California Department of Conservation, 2016. Division of Land Resource Protection, Williamson Act Contracts. Website: https://www.conservation.ca.gov/dlrp/wa/Pages/contracts.aspx (accessed April 2020).

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

The project site is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. In Milpitas, and the rest of the air basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (PM_{10}, $PM_{2.5}$), and lead (Pb) have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State non-attainment status for ozone and particulate matter standards. The BAAQMD is classified as non-attainment for the federal ozone 8-hour standard and non-attainment for the federal $PM_{2.5}$ 24-hour standard.

a. Would the project conflict with or obstruct implementation of the applicable air quality plan? ***(Less Than Significant with Mitigation Incorporated)***

The applicable air quality plan is the BAAQMD 2017 Clean Air Plan (Clean Air Plan),[8] which was adopted on April 19, 2017. The Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate.

[8] Bay Area Air Quality Management District, 2017. Clean Air Plan. April 19.

Consistency with the Clean Air Plan can be determined if the project: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. As further detailed below, with implementation of Mitigation Measure AIR-1, the proposed project would not conflict with or obstruct implementation of the Clean Air Plan and this impact would be less than significant.

Clean Air Plan Goals. The primary goals of the Bay Area Clean Air Plan are to: attain air quality standards; reduce population exposure and protect public health in the Bay Area; and reduce greenhouse gas emissions and protect the climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards thresholds were established to help protect public health. As discussed in Section 4.3.b, implementation of the proposed project would result in less-than-significant operation-period emissions and, with implementation of Mitigation Measure AIR-1, the project would result in less-than-significant construction-period emissions. Therefore, the project would not conflict with the Clean Air Plan goals.

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-Greenhouse Gas (GHG) Pollutants Measures. The project's relationship to each of these measures is discussed below.

Stationary Source Control Measures. The stationary source measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD's Permit and Inspection programs. Since the project would not include any stationary sources, the Stationary Source Measures of the Clean Air Plan are not applicable to the project.

Transportation Control Measures. The BAAQMD identifies Transportation Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, TACs, and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment. The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide pedestrian and bicyclist amenities, including sidewalks, bicycle parking, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles. Therefore, the project would promote the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled and would increase the use of alternate means of transportation.

Energy Control Measures. The Clean Air Plan also includes Energy Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by

switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the energy control measures of the Clean Air Plan are not applicable to the project.

Building Control Measures. The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes, to facilitate adoption of best GHG control practices and policies. The proposed project would be required to comply with the 2019 California Green Building Standards Code (CALGreen) standards. Therefore, the Building Control Measures of the Clean Air Plan are not applicable to the project.

Agriculture Control Measures. The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the project.

Natural and Working Lands Control Measures. The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to ordinances that promote urban-tree plantings. Since the project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the project.

Waste Management Control Measures. The Waste Management Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Water Control Measures. The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the project.

Super GHG Control Measures. The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the project.

Clean Air Plan Implementation. As discussed above, with implementation of Mitigation Measure AIR-1, the proposed project would not conflict with the goals of the Clean Air Plan and would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures. Therefore, the project would not disrupt or hinder implementation of a control measure from the Clean Air Plan and this impact would be less than significant.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ***(Less Than Significant with Mitigation Incorporated)***

The BAAQMD is currently designated as a nonattainment area for State and national ozone standards and national particulate matter ambient air quality standards. The BAAQMD's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The following analysis assesses the potential project-level construction- and operation-related air quality impacts and CO impacts.

Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate matter emissions (i.e., fugitive dust) generated by demolition, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, ROG, directly-emitted particulate matter ($PM_{2.5}$ and PM_{10}), and toxic air contaminants (TACs) such as diesel exhaust particulate matter.

Site preparation and project construction would involve demolition, grading, paving, and other activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM_{10} emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM_{10} emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions (PM_{10}). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM_{10} emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO_2, NO_x, ROGs and some soot particulate ($PM_{2.5}$

and PM_{10}) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the project using the California Emissions Estimator Model (CalEEMod) version 2016.3.2, consistent with BAAQMD recommendations. The proposed project would result in the demolition of the existing leasing/community building and adjacent surface pavements on the project site and would include a total of 493 truck trips to export approximately 6,600 cubic yards of soil, which were added to the CalEEMod analysis. Construction of the proposed project is anticipated to begin in early 2021 and would occur over an approximately 12-month period. Construction-related emissions are presented in Table 4.A. CalEEMod output sheets are included in Appendix A.

Table 4.A: Project Construction Emissions in Pounds Per Day

Project Construction	ROG	NO_x	Exhaust PM_{10}	Fugitive Dust PM_{10}	Exhaust $PM_{2.5}$	Fugitive Dust $PM_{2.5}$
Average Daily Emissions	2.9	17.3	0.6	0.4	0.6	0.2
BAAQMD Thresholds	54.0	54.0	54.0	BMP	82.0	BMP
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

BMP = best management practices
Source: LSA (May 2020).

As shown in Table 4.A, construction emissions associated with the project would be less than significant for ROG, NO_x, $PM_{2.5}$, and PM_{10} exhaust emissions. The BAAQMD requires the implementation of the BAAQMD's Basic Construction Mitigation Measures (best management practices) to reduce construction fugitive dust impacts to a less-than-significant level as follows:

Mitigation Measure AIR-1: In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Operational Emissions. Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project.

PM_{10} emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM_{10} occurs when vehicle tires pulverize small rocks and pavement and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy source emissions result from activities in buildings for which electricity and natural gas are used. The quantity of emissions is the product of usage intensity (i.e., the amount of electricity or natural gas) and the emission factor of the fuel source. Major sources of energy demand include building mechanical systems, such as heating and air conditioning, lighting, and plug-in electronics, such as refrigerators or computers. Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources, like renewable energy, producing fewer emissions than conventional sources. The proposed project would comply with the 2019 CALGreen Code, which was accounted for in the analysis.

Typically, area source emissions consist of direct sources of air emissions located at the project site, including architectural coatings and the use of landscape maintenance equipment. Area source emissions associated with the project would include emissions from the use of landscaping equipment and the use of consumer products.

Emission estimates for operation of the project were calculated using CalEEMod. Model results are shown in Table 4.B. Trip generation rates for the project were based on the project's trip generation estimate, as identified in the Traffic Operations Analysis (Traffic Study).[9] Based on the Traffic Study, the proposed project would generate approximately 322 average daily trips.

The primary emissions associated with the project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the project; emissions are released in other areas of the Air Basin. The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in Table 4.B for ROG, NO_x, PM_{10}, and $PM_{2.5}$. The results shown in Table 4.B indicate the project would not exceed the significance criteria for daily ROG, NO_2, PM_{10} or $PM_{2.5}$ emissions; therefore, the proposed project would not have a significant effect on regional air quality and mitigation would not be required. This impact would be less than significant.

Table 4.B: Project Operational Emissions

	ROG	NO_x	PM_{10}	$PM_{2.5}$
Pounds Per Day				
Area Source Emissions	1.4	0.3	<0.1	<0.1
Energy Source Emissions	<0.1	0.2	<0.1	<0.1
Mobile Source Emissions	0.5	2.2	1.6	0.4
Total Emissions	**2.0**	**2.7**	**1.7**	**0.5**
BAAQMD Thresholds	54.0	54.0	82.0	54.0
Exceed Threshold?	**No**	**No**	**No**	**No**
Tons Per Year				
Area Source Emissions	0.2	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	<0.1	<0.1	<0.1
Mobile Source Emissions	0.1	0.4	0.3	0.1
Total Emissions	**0.3**	**0.4**	**0.3**	**0.1**
BAAQMD Thresholds	10.0	10.0	15.0	10.0
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: LSA (May 2020).

Localized CO Impacts. Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. The BAAQMD's 2017 CEQA Guidelines include recommended methodologies for quantifying concentrations of localized CO levels for proposed transportation projects. A screening level analysis using guidance from the BAAQMD CEQA Guidelines was performed to determine the impacts of the

[9] Hexagon Transportation Consultants, Inc., 2020. *Traffic Operations Analysis Report for the 1724 Sunnyhills Court Townhouse Project.* May 28.

project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD's CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the Santa Clara Valley Transportation Authority's Countywide Valley Transportation Plan (VTP). The VTP is a countywide long-range transportation plan for Santa Clara County. According to the Traffic Study,[10] the proposed project would generate approximately 20 AM peak hour trips and 25 PM peak hour trips; therefore, the project's contribution to peak hour traffic volumes at intersections in the vicinity of the project site would be well below 44,000 vehicles per hour. Therefore, the proposed project would not result in localized CO concentrations that exceed State or federal standards and this impact would be less than significant.

c. Would the project expose sensitive receptors to substantial pollutant concentrations? ***(Less Than Significant with Mitigation Incorporated)***

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 micrograms per cubic meter ($\mu g/m^3$). A significant cumulative impact would occur if the project in combination with other projects located within a 1,000-foot radius of the project site would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient $PM_{2.5}$ increase greater than 0.8 $\mu g/m^3$ on an annual average basis. Impacts from substantial pollutant concentrations are discussed below.

10 Ibid.

The proposed project site is located in an urban area in close proximity to existing residential uses that could be exposed to diesel emission exhaust during the construction period. Existing residential uses are located within the immediate vicinity of the project site and within the existing apartment complex. To estimate the potential cancer risk from project construction equipment exhaust (including diesel particulate matter), a dispersion model was used to translate an emission rate from the source location to a concentration at the receptor location (i.e., a nearby residential land use). Dispersion modeling varies from a simpler, more conservative screening-level analysis to a more complex and refined detailed analysis. This refined assessment was conducted using CARB's exposure methodology, with the air dispersion modeling performed using the USEPA dispersion model AERMOD. The model provides a detailed estimate of exhaust concentrations based on site and source geometry, source emissions strength, distance from the source to the receptor, and site-specific meteorological data. Table 4.C, below, identifies the results of the analysis utilizing the CalEEMod assuming the use of Tier 2 construction equipment. Model snap shots of the sources are provided in Appendix B.

Table 4.C: Unmitigated Inhalation Health Risks from Project Construction to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual	33.10	0.04	0.21
Threshold	**10.0**	**1.0**	**0.30**

Source: LSA (May 2020).
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
$\mu g/m^3$ = micrograms per cubic meter

As shown in Table 4.C, the risk associated with project construction at the maximally exposed individual (MEI) would be 33.10 in one million, which would exceed the BAAQMD cancer risk of 10 in one million. The total chronic hazard index would be 0.01, which would not exceed the threshold of 1.0. The results of the analysis indicate that the total $PM_{2.5}$ concentration would be 0.03 $\mu g/m^3$, which would not exceed the BAAQMD significance threshold of 0.30 $\mu g/m^3$. As indicated above, the cancer risk of 33.10 in one million would exceed the BAAQMD's thresholds. Therefore, implementation of Mitigation Measure AIR-2 would be required to reduce substantial pollutant concentrations during project construction to a less-than-significant level.

Mitigation Measure AIR-2 During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board (CARB) Tier 2 emissions standards with Level 3 or higher diesel particulate control devices, or equivalent.

Table 4.D: Mitigated Inhalation Health Risks from Project Construction to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual	5.15	0.01	0.03
Threshold	**10.00**	**1.00**	**0.30**

Source: LSA (May 2020).
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
$\mu g/m^3$ = micrograms per cubic meter

As shown in Table 4.D, the mitigated cancer risk at the MEI would be 5.15 in one million, which would not exceed the BAAQMD cancer risk of 10 in one million. Therefore, with implementation of Mitigation Measure AIR-2, construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations.

Once the project is constructed, the project would not be a source of substantial emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction or operation, and potential impacts would be considered less than significant with mitigation incorporated.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? ***(Less-Than-Significant Impact)***

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, objectionable odors associated with the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, this impact would be less than significant.

4.4 BIOLOGICAL RESOURCES

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

*a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **(No Impact)***

There are no special-status species that are known to occur on the project site.[11] Due to the developed nature of the project site and the presence of associated hardscape, it is unlikely that the project site would support any special-status species. Therefore, no impact to special-status species would occur as a result of the proposed project.

[11] Milpitas, City of, 2018. *Milpitas General Plan Update Existing Conditions Report.* June.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***(No Impact)***

The project site is located in an urban area and does not support any riparian or other sensitive natural communities.[12] Therefore, no impact related to riparian habitat or other sensitive natural communities would occur with the proposed project.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ***(No Impact)***

The project site is within a developed area and is not located in an area that supports wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act.[13] The proposed project would not result in the direct removal, filling, or hydrological interruption of such wetlands. Therefore, no impact to federally protected wetlands would occur with the proposed project.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***(Less Than Significant with Mitigation Incorporated)***

The project site is a developed, landscaped area that supports wildlife species typically associated with urban and suburban areas. Because the project site is located within a developed area, and is surrounded by residential and commercial uses, there are no major wildlife movement corridors that pass through or are adjacent to the project site. Existing trees are located throughout and around the project site. Trees and other landscape vegetation generally have the potential to support nests of common native bird species. All native birds, regardless of their regulatory status, are protected under the federal Migratory Bird Treaty Act and California Fish and Wildlife Code. The proposed project would result in the removal of 31 trees. If conducted during the breeding season (February through August), vegetation removal and construction activities could directly impact nesting birds by removing trees or vegetation that support active nests. Implementation of the following mitigation measure would reduce potential impacts to nesting birds to a less-than-significant level.

12 U.S. Fish and Wildlife Service, 2020. National Wetlands Inventory (Map). Website: https://www.fws.gov/wetlands/data/mapper.HTML (accessed May 2020).

13 Ibid.

Mitigation Measure BIO-1: If feasible, all vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified biologist or ornithologist shall conduct a pre-construction survey to determine if any birds are nesting within the project site. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through July. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the buffer shall be determined by the biologist or ornithologist in consultation with the California Department of Fish and Wildlife, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***(Less-Than-Significant Impact)***

As described in Section 2.0, Project Description, per Section X-2-7.01 of the Municipal Code, the City of Milpitas requires a Tree Removal Permit for the removal of any trees with the following characteristics:

- All trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; or
- Any tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped or underdeveloped property; or
- All heritage trees or groves of trees as defined in Section X-2-2.10.

A heritage tree is defined as:

- An outstanding specimen or grove of a desirable species;

- One of the largest or oldest trees or grove of trees in Milpitas; or
- A tree or grove of trees possessing distinctive form, size, age, location and/or historical significance.

Removed protected trees must be replaced at a ratio of 2 trees for every 1 removed protected tree pursuant to Section X-2-4.05 of the City's Municipal Code. The size of the replacement trees must be commensurate with the size of the removed trees, as determined by the Planning Director.

As noted above, all 31 trees on the project site are protected and would be removed during construction. The project applicant would be required to obtain a Tree Removal Permit prior to the removal of any trees pursuant to Section X-2-7.01 of the City's Municipal Code and must replace the removed trees with at least 62 trees. The proposed project includes a request for a Tree Removal Permit for 31 protected trees within the project site and would include a total of 86 new trees. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, and this impact would be less than significant.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ***(Less-Than-Significant Impact)***

The project site does not fall within the Covered Area for the Santa Clara Valley Habitat Plan,[14] but it does fall within the Plan's Expanded Study Area and Permit Area for Burrowing Owl Conservation. Only activities pertinent to the conservation of burrowing owls are considered to be Covered Activities within this expanded study area. As such, the proposed project is not considered to be a Covered Activity under the Santa Clara Valley Habitat Plan. No other Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the project site. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan, and this impact would be less than significant.

[14] ICF International. 2012. *Final Santa Clara Valley Habitat Plan*. Website: https://www.scv-habitatagency.org/DocumentCenter/View/123/Chapter-1-Introduction (accessed May 2020). August.

4.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ***(Less Than Significant with Mitigation Incorporated)***

For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources), it generally must be 50 years or older. Under CEQA, historical resources can include precontact (i.e., Native American) archaeological deposits, historic-period archaeological deposits, historic buildings, and historic districts.

To identify historical resources on the project site, the following tasks were completed: (1) a records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System;[15] and (2) a Historical Resources Evaluation (HRE) was prepared to determine whether any of the existing buildings on the project site would be eligible for listing in the California Register of Historical Resources (California Register).[16] The HRE is included as Appendix C.

The HRE concluded that the existing leasing/community building, which would be demolished as part of the project, is a contributing element to a potential Sunnyhills Apartments Historic District (District) that appears to be eligible for inclusion on the California Register. However, the leasing/community building itself does not appear to be individually eligible for inclusion on the California Register. The potential District comprises the entirety of the Sunnyhills Apartments complex. The leasing/community building and the District to which it contributes appears to be eligible at the local level of significance based on its associations with: (1) joint public and private low-income rental housing development allowed under Section 236 of the Civil Rights Act of 1968; (2) the mid- to late-20th century growth of Milpitas; and (3) the work of Ethan Andrews Jennings Jr., a prominent architect who designed many multi-family residential projects. For these reasons, the leasing/community building, and the District to which it contributes, qualifies as a "historical resource" for the purposes of CEQA. However, the building does not appear individually eligible for inclusion in the California Register.

[15] The NWIC is an affiliate of the State of California Office of Historic Preservation and is the official State repository of cultural resources records and reports for Santa Clara County.

[16] LSA Associates, Inc. 2020. *Historical Resources Evaluation, 1724 Sunnyhills Court, City of Milpitas, Santa Clara County, California.* June.

As previously described, the proposed project would include the demolition of the existing leasing/community building, and the construction of a new community center/leasing office and six new multi-family residential buildings. To evaluate whether the proposed project would result in a substantial adverse change, as defined in Section 15064.5(b) of the CEQA Guidelines, a Historic Resources Impact Assessment (HRIA) was prepared (included as Appendix D).[17]

CEQA Guidelines Section 15064.5(b) states that a proposed project may have a significant effect on the environment if it would create "…an effect that may cause a substantial adverse change in the significance of a historical resource." Specifically, substantial adverse changes include "…physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired." CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings can be considered to have a less-than-significant impact on historical resources.

Typically, one set of standards is selected for a proposed project based on its components. For the purposes of the proposed project, new construction would occur within the boundary of the potential District and the Rehabilitating Historic Properties Guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties are most applicable. Rehabilitation allows for alterations and the construction of a new addition, if necessary, for a continuing or new use for a historic building or, in this case, a District. Some exterior and interior alterations are generally needed as part of a Rehabilitation project to ensure its continued use. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside of the building or District's period of significance.

The potential District contains 44 contributing elements comprised of 43 high-density residential buildings and one leasing/community building constructed in 1971 on a 12.66-acre site; all existing elements within the District contribute to its eligibility. The proposed project would result in the removal of the existing leasing/community building and alteration of open grassy common areas to the north, west, and south. The proposed project would affect approximately 2.2-acres of the 12.66-acre project site. Expressed as a percentage, this represents an alteration of approximately 17 percent of the total acreage contained within the potential District. Accordingly, project-related demolition activities would not irreparably diminish the integrity and significance of the District as a whole, and would not include the removal of a character-defining feature. The remaining 43 contributing elements of the District would remain in their historical locations with their original orientation and use. The remaining 10.46 acres within the District and Sunnyhills Drive would retain its general character-defining features that form the basis of their collective historical significance and remain comprehensible to residents and visitors.

[17] LSA Associates, Inc. 2020. *Historic Resources Impact Assessment of the 1724 Sunnyhills Court Project, Milpitas, Santa Clara County, California.* August 4.

The five proposed two-story multi-family residential buildings would be of similar size and massing as the 43 existing apartment buildings and share a rectangular footprint. The façades of the existing residential buildings are asymmetrically arranged, with a two-story portion with one single-story wing or two, single-story wings of unequal length. The façades of the proposed construction would be arranged symmetrically, with a central two-story portion flanked by equal length single-story wings. This proposed design provides proper balance of compatibility and differentiation, as required by the Secretary of the Interior's Standards for Rehabilitation, which acknowledge the need to alter or add to a historic building to meet continuing new uses while retaining the building's historic character. The new construction would be easily differentiated from the contributing elements, especially since no single-story residential buildings are proposed.

Therefore, the HRIA determined that the proposed project appears to be compatible with, but clearly differentiated from, the historic fabric of the District surrounding it, and therefore would be consistent with the Rehabilitating Historic Properties Guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties. Specifically, the proposed project would be consistent with the standards for rehabilitation, as it would include a use; visibility and spatial relationships; scale and massing; and materials, ornament, and style that would be compatible with, yet clearly differentiated from, the potential District. Therefore, the proposed project would not result in a substantial change in the District's historical significance, and this impact would be less than significant.

The HRIA also included suggested design improvements to further ensure that new construction is clearly differentiated from the original 1971 construction. Therefore, the following condition of approval is recommended to be incorporated into the proposed project design.

> **Project-Specific Recommended Condition of Approval CUL-1:** The following modifications should be incorporated into the final design of the proposed project:
>
> - A color palate incorporating slightly different paint colors than the existing buildings with the District should be incorporated.
>
> - Vertical pattern cement siding (i.e. "Hardie panel") should be switched to a horizontal pattern.

No archaeological historical resources were identified at the project site. Although no archaeological deposits that qualify as historical resources are known to be present at the project site, the potential for such resources cannot be discounted. If significant archaeological deposits were unearthed during project construction, a substantial adverse change in the significance of a historical resource would occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired pursuant to CEQA Guidelines Section 15064.5(b)(1). With implementation of the following mitigation measure, potential impacts to archaeological historical resources would be reduced to a less-than-significant level.

Mitigation Measure CUL-1: Should an archaeological deposit be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

The applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits and shall verify that the following directive has been included in the appropriate contract documents:

"The subsurface of the construction site may be sensitive for Native American archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Contractor acknowledges and understands that excavation or removal of archaeological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

Work stoppage in the event of an archaeological discovery would ensure that: (1) if archaeological cultural resources are identified during excavation, these would be evaluated, documented, and studied in accordance with standard archaeological practice; and (2) archaeological deposits and

human remains would be treated in accordance with appropriate State codes and regulations. As such, implementation of the above mitigation measures would reduce the project's potential impacts to archaeological historical resources to a less-than-significant level.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***(Less Than Significant with Mitigation Incorporated)***

Pursuant to CEQA Guidelines Section 15064.5(c)(1), "When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource." Those archaeological sites that do not qualify as historical resources shall be assessed to determine if they qualify as "unique archaeological resources" pursuant to California Public Resource Code Section 21083.2. Archaeological deposits identified during project construction would be treated by the City and applicant—in consultation with a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology—in accordance with Mitigation Measure CUL-1. With implementation of this mitigation measure, the project's potential impacts on archaeological resources would be less than significant.

c. Would the project disturb any humans remains, including those interred outside of formal cemeteries? ***(Less-Than-Significant Impact)***

There are no known human remains at the project site. In the event that human remains are identified during project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, as appropriate.

Section 7050.5 of the California Health and Safety Code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the California Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Section 5097.98 of the Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site. With these regulations in place, no impact on human remains is anticipated, and no mitigation is necessary.

4.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

*a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? **(Less-Than-Significant Impact)***

The proposed project would increase the demand for electricity, natural gas, and gasoline. The discussion and analysis provided below is based on data included in the CalEEMod output, which is included in Appendix A.

Construction-Period Energy Use. The anticipated construction schedule assumes that the proposed project would be built over a 12-month period. The proposed project would require grading, site preparation, and building activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for demolition and grading activities, and construction of the residential building and new leasing office/community building. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during project construction, the project contractor would be required to restrict equipment idling times to 5 minutes or less and construction workers would be required to shut off idle equipment, as required by Mitigation Measure AIR-1. In addition, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction period energy impacts would be less than significant.

Operational Energy Use. Energy use consumed by the proposed project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. Energy and natural gas consumption was estimated for the project using default energy intensities by building type in CalEEMod. In addition, the proposed buildings would be constructed to CALGreen standards, which was included in CalEEMod inputs. Electricity and natural gas usage estimates associated with the proposed project are shown in Table 4.E.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in

approximately 743,878 vehicle miles traveled (VMT) per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.0 mpg in 2015.[18] Therefore, using the USEPA fuel economy estimates for 2015, the proposed project would result in the consumption of approximately 33,813 gallons of gasoline per year. Table 4.E, below, shows the estimated potential increased electricity and natural gas demand associated with the proposed project.

Table 4.E: Estimated Annual Energy Use of Proposed Project

Land Use	Electricity Use (kWh per year)	Natural Gas Use (therms per year)	Gasoline (gallons per year)
Condo/Townhouse	221,231	7,760	33,813
Parking Lot	12,040	0	0
Total	**233,231**	**7,760**	**33,813**

Source: LSA (May 2020).

As shown in Table 4.E, the estimated potential increased electricity demand associated with the proposed project is 233,231 kilowatt-hours (kWh) per year. In 2018, California consumed approximately 284,436 gigawatt-hours (GWh) or 284,436,261,624 kWh.[19] Of this total, Santa Clara County consumed 16,708 GWh or 16,708,080,341 kWh.[20] Therefore, electricity demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total electricity demand.

In addition, as shown in Table 4.E, the estimated potential increased natural gas demand associated with the proposed project is 7,760 therms per year. In 2018, California consumed approximately 12.666 billion therms or 12,666,398,562 therms, while Santa Clara County consumed approximately 440 million therms or approximately 440,030,822 therms.[21] Therefore, natural gas demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total natural gas demand.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. As shown above in Table 4.E, vehicle trips associated with the proposed project would consume approximately 33,813 gallons of gasoline per year. In 2015, vehicles in California consumed approximately 15.1 billion gallons of gasoline.[22] Therefore, gasoline demand generated by

[18] U.S. Department of Transportation. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23/ (accessed May 2020).

[19] California Energy Commission. 2017. Energy Consumption Data Management Service. Electricity Consumption by County. Available online at: http://www.ecdms.energy.ca.gov/elecbycounty.aspx. (accessed May 2020).

[20] Ibid.

[21] California Energy Commission. 2017. Energy Consumption Data Management Service. Gas Consumption by County. Available online at: http://www.ecdms.energy.ca.gov/gasbycounty.aspx. (accessed May 2020).

[22] California Energy Commission. 2017. California Gasoline Data, Facts, and Statistics. Available online at: http://www.energy.ca.gov/almanac/transportation_data/gasoline/ (accessed May 2020).

vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in California.

In addition, the proposed project would be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Therefore, construction and operation period impacts related to consumption of energy resources would be less than significant.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ***(Less-Than-Significant Impact)***

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy policy report for electricity, natural gas, and transportation fuels every two years. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the lowest cost to the environment and energy sources. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles and associated infrastructure needs, and encouraging urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The most recently CEC adopted energy report is the 2019 Integrated Energy Policy Report. The 2019 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2019 Integrated Energy Policy Report covers a broad range of topics, including implementation of Senate Bill 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to Senate Bill 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report. Thus, as shown above, the project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and not result in any irreversible or irretrievable commitments of energy. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and this impact would be less than significant.

4.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Unless otherwise noted, the following analysis is based on the Geotechnical Investigation prepared for the proposed project.[23] The Geotechnical Investigation is included in Appendix E.

[23] Silicon Valley Soil Engineering, 2018. *Geotechnical Investigation for Proposed Townhomes, 1724 Sunnyhills Drive, Milpitas, California.* May 8.

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? ***(No Impact)***

The California Supreme Court concluded in its CBIA vs. BAAQMD decision that "CEQA generally does not require an analysis of how existing environmental conditions will affect a project's future users or residents." With this ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing seismic hazards on new project occupants) to be an environmental impact, unless the project could exacerbate an existing environmental hazard. The proposed project would not change existing seismic hazards and, therefore, would not exacerbate existing hazards related to surface fault rupture and seismic ground shaking. As such, the following discussions of seismic hazards related to surface fault rupture and seismic ground shaking are provided for informational purposes only.

Fault Rupture. There are no mapped faults within or adjacent to the project site, and the project site is not located within an Alquist-Priolo zone.[24] Therefore, the proposed project would not directly or indirectly cause substantial adverse effects related to fault rupture.

Strong Seismic Ground Shaking. The project site is located in the San Francisco Bay Area, a region of intense seismic activity. Ground shaking is likely to occur within the life of the project as a result of future earthquakes. Traces of the Crosley Fault are located approximately 0.75 miles east of the project site. Other active faults within the area that are likely to produce large earthquakes include the Calaveras Fault, located approximately 5.25 miles northeast, the San Andreas fault, located approximately 17 miles southwest, and the San Gregorio fault, located approximately 30 miles southwest. Due to the location of the project site in a seismically active area, strong seismic ground shaking at the site is highly probable during the life of the project. The intensity of ground shaking would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Conformance with the California Building Code (CBC) would ensure potential adverse effects associated with strong seismic ground shaking would be reduced to the extent feasible.

Seismic-related Ground Failure. Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. During ground shaking, these soils lose strength and acquire "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (i.e., silt and clay) may also liquefy. Soil testing on the project site determined that the potential for liquefaction is minimal, due to the absence of a liquefiable soil layer. Therefore, adverse effects associated with unstable soil conditions during a seismic event are not anticipated.

[24] California Geological Survey, 2019. Earthquake Zones of Required Investigation (map). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed May 2020).

Landslides. A landslide generally occurs on relatively steep slopes and/or on slopes underlain by weak materials. The project site is relatively level and is not located next to any slopes. Furthermore, the project site is not located within an area that would be subject to earthquake-induced landslides. Therefore, adverse effects associated with potential exposure of people or structures to landslides would not occur.

b. Would the project result in substantial soil erosion or the loss of topsoil? ***(Less-Than-Significant Impact)***

Topsoil is defined as the upper part of the soil profile that is relatively rich in humus and is technically known as the A-horizon of the soil profile.[25] Grading and earthmoving during project construction has the potential to result in erosion and loss of topsoil. Exposed soils could be entrained in stormwater runoff and transported off the project site. However, this impact would be reduced to a less-than-significant level through compliance with water quality control measures, which include preparation of a Stormwater Pollution Prevention Plan (SWPPP) (refer to Section 4.10, Hydrology and Water Quality). Although designed primarily to protect stormwater quality, the SWPPP would incorporate Best Management Practices (BMPs) to minimize erosion. Additional details regarding the SWPPP are provided in Section 4.10, Hydrology and Water Quality of this Initial Study.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ***(Less-Than-Significant Impact)***

As discussed in Section 4.7.a, site soils would not be subject to lateral spreading, liquefaction, or landslides. Additionally, the proposed project would be required to comply with the CBC and recommendations within the Geotechnical Investigation, which would further ensure that potential risks to people and structures as a result of unstable soils would be less than significant.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? ***(Less-Than-Significant Impact)***

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. Testing at the project site indicates that soils on the project site have high expansion potential. The Geotechnical Investigation recommends that foundations should be underlain by 12 inches of non-expansive soil fill material and 5 inches of 3/4-inch wash crushed rock or 16 inches of wash crushed rock. In addition, adherence to the CBC requirements would further ensure that geotechnical design of the proposed project would further reduce potential impacts related to expansive soils to a less-than-significant level. Therefore, because the proposed project would implement the

[25] California State Mining and Geology Board, 2014. Surface Mining Reclamation Act Regulations. California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

recommendations of the Geotechnical Investigation and comply with CBC requirements, this impact would be less than significant.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ***(Less-Than-Significant Impact)***

The proposed project would connect to the City's wastewater conveyance system. On-site treatment and disposal of wastewater is not proposed for the project; therefore, the proposed project would have no impacts associated with soils incapable of supporting alternative wastewater disposal systems.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***(Less Than Significant with Mitigation Incorporated)***

Although no paleontological resources or unique geological features are known to exist within or near the already disturbed project site, according to the locality search through the University of California Museum of Paleontology (UCMP) at the University of California, Berkeley, there are 191 known localities that have produced 319 specimens within Santa Clara County.[26] Therefore, the possibility of accidental discovery of paleontological resources during project construction cannot be discounted. Therefore, implementation of Mitigation Measure GEO-1, described below, would reduce potential impacts to paleontological resources to a less-than-significant level.

Mitigation Measure GEO-1: Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a

[26] University of California Museum of Paleontology. *Databases.* Website: https://ucmp.berkeley.edu/collections/databases/ (accessed May 2020).

paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:

"The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

4.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

*a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **(Less Than Significant with Mitigation Incorporated)***

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO_2);
- Methane (CH_4);
- Nitrous oxide (N_2O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur Hexafluoride (SF_6).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as CO_2, methane, and N_2O, some gases, like HFCs, PFCs, and SF_6 are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is

based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to CO_2, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO_2 over a specified time period. GHG emissions are typically measured in terms of pounds or tons of "CO_2 equivalents" (CO_2e).

This section describes the proposed project's construction- and operational-related GHG emissions and contribution to global climate change. The BAAQMD has not addressed emission thresholds for construction in their CEQA Guidelines; however, the BAAQMD encourages quantification and disclosure. Thus, construction emissions are discussed in this section.

Construction Activities. Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that construction of the proposed project would generate approximately 375.7 metric tons of CO_2e. Implementation of Mitigation Measure AIR-1 would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. Therefore, project construction impacts associated with GHG emissions would be less than significant.

Operational Emissions. Section 15064.4 of the CEQA Guidelines states that: "A lead agency should make a good-faith effort, based to the extent possible, on scientific and factual data, to describe, calculate or estimate the amount of GHG emissions resulting from a project." In performing that analysis, the lead agency has discretion to determine whether to use a model or methodology to quantify GHG emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting, whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project, and the extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

According to the BAAQMD CEQA Guidelines, if a project is consistent with an adopted qualified GHG Reduction Strategy that meets the standards, it can be presumed that the project will not have significant GHG emission impacts. This approach is consistent with the State CEQA Guidelines, Section 15183.5, and will be used in this analysis.

The City of Milpitas' Climate Action Plan (CAP) was adopted on May 7, 2013.[27] The City of Milpitas CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy and is designed to streamline environmental review of future development projects in the City consistent with CEQA Guidelines Section 15183.5(b) and the BAAQMD CEQA Air Quality Guidelines. The CAP identifies measures to achieve a reduction of 93,940 metric tons (MT) per year of CO_2e, including a reduction of 13,950 $MTCO_2e$ that would be achieved through State-mandated measures. With implementation of the CAP and existing measures, the City's GHG emissions are expected to be 16.2 percent below 2005 levels by the year 2020.

The CAP identifies six main Action Areas with specific GHG reductions, including energy, water, transportation and land use, solid waste, and off-road equipment. For each measure the CAP specifies GHG reductions, City departments responsible for implementation, performance metrics, regional partners, additional resources, and co-benefits.

Long-term operation of the proposed project would generate GHG emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include project-generated vehicle trips associated with trips to the proposed project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site, and other sources. As identified above, the City of Milpitas' CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy. Therefore, the project's GHG emissions would not be considered a significant impact if the project would be consistent with the City's CAP. "Appendix C: Development Checklist" of the City's CAP was developed to assist project applicants and City staff to determine whether a proposed project complies with the CAP and contains applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's CAP. The proposed project's consistency with these measures is included in Table 4.F below.

As demonstrated in Table 4.F, the proposed project's consistency with many of the CAP measures would be determined by design decisions that are currently not evident from the conceptual plans evaluated for the environmental analysis in this report. Implementation of Mitigation Measure GHG-1 would require the proposed project to include the applicable measures, as identified in the City's Climate Action Plan Development Checklist for the project which is included in Appendix F.

[27] Milpitas, City of. 2013. *City of Milpitas Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 7.

Table 4.F: Consistency with the City's Climate Action Plan Measures

Measure	Action	Applicability	Compliance
Energy Measures			
Measure 1.3: Discretionary Project Review	Apply the City's Climate Action Plan Development Checklist (Appendix C) as part of the City's discretionary project review process.	The project applicant completed the City's Climate Action Plan Development Checklist (Appendix C), which is included in Appendix F.	Yes
Measure 1.5: Urban Cooling	Achieve urban cooling through voluntary and mandatory standards for new development and additions.	The proposed project would include approximately 53,049 square feet of common open space and approximately 40,527 square feet of private open space. The proposed project would also include a total of 3,440 square feet of bio-retention space in 10 different areas adjacent to the proposed buildings. A total of 86 trees would be planted as part of the proposed project.	Yes
Measure 1.8: Online Energy Monitoring	Encourage participation in online energy monitoring programs as utilities develop and deploy online systems.	With implementation of Mitigation Measure GHG-1, the proposed project would install Energy Star appliances.	Yes with Mitigation Measure GHG-1
Measure 2.1: Energy Efficiency in New Development	Encourage new development and remodels to exceed minimum building standards for energy efficiency and continue implementation of the adopted Green Building Ordinance.	The proposed project would be consistent with current CALGreen standards.	Yes
Measure 3.1: Renewable Energy in New Development	Adopt new standards to require renewable energy in new development and encourage renewable energy facilities through the discretionary process.	With implementation of Mitigation Measure GHG-1, the proposed project would install on-site renewable energy, such as solar panels.	Yes with Mitigation Measure GHG-1
Water			
Measure 4.1: Tiered Water Rates	Continue water conservation efforts outlined in the Urban Water Management Plan and expand tiered water rate structures to apply to nonresidential customers in addition to residential customers.	With implementation of Mitigation Measure GHG-1, the proposed project would use water-efficient irrigation systems and use reclaimed water, when available.	Yes with Mitigation Measure GHG-1
Measure 4.2: Recycled Water	Work with regional partners to encourage expansion of recycled water infrastructure.	With implementation of Mitigation Measure GHG-1, the proposed project would use water-efficient irrigation systems and use reclaimed water, when available.	Yes with Mitigation Measure GHG-1

Table 4.F: Consistency with the City's Climate Action Plan Measures

Measure	Action	Applicability	Compliance
Transportation and Land Use			
Measure 5.1: Increased Densities	Continue to promote the increase of density and mixed uses in key opportunity areas, including the Midtown Specific Plan, Transit Area Specific Plan, and Town Center areas.	The proposed project would develop new residences that would locate residents near existing residential, commercial, and light industrial uses, reducing the demand for travel by single occupancy vehicles.	Yes
Measure 5.3: Open Space	Expand City parks and open spaces.	The proposed project would include approximately 53,049 square feet of common open space and approximately 40,527 square feet of private open space. The proposed project would also include a total of 3,440 square feet of bio-retention space in 10 different areas adjacent to the proposed buildings. A total of 86 trees would be planted as part of the proposed project.	Yes
Measure 6.3: Dense and Centralized Development	Promote dense development in central locations and along transportation corridors.	The proposed project would develop new residences that would locate residents near existing residential, commercial, and industrial uses, reducing the demand for travel by single occupancy vehicles.	Yes
Measure 7.1: Expanded City Parks	Expand the City's park and open space system consistent with the General Plan.	The proposed project would include approximately 53,049 square feet of common open space and approximately 40,527 square feet of private open space. The proposed project would also include a total of 3,440 square feet of bio-retention space in 10 different areas adjacent to the proposed buildings. A total of 86 trees would be planted as part of the proposed project.	
Measure 7.2: Complete Streets	Initiate a rigorous Citywide complete streets program to foster pedestrian and bicycle activity throughout the community.	The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, bicycle parking, shading, and landscaping.	Yes
Measure 7.3: Bikeways Master Plan Infrastructure	Implement and maintain the facilities and infrastructure improvements identified in the Bikeways Master Plan to achieve high levels of bicycle and pedestrian activity.	The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, bicycle parking, shading, and landscaping.	Yes
Measure 8.1: Transportation Demand Management	Adopt and phase a Citywide transportation demand management (TDM) ordinance by 2015, building on recommendations of the transit area specific plan, and establish a funding mechanism to pay for the costs of the program.	The proposed project would develop new residences that would locate residents near existing residential, commercial, and light industrial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, bicycle parking, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles.	Yes

Table 4.F: Consistency with the City's Climate Action Plan Measures

Measure	Action	Applicability	Compliance
Measure 10.4: Residential Electric Vehicle Charging	Facilitate plug-in hybrid and electric vehicle charging stations for homes by promoting funding opportunities and streamlining permit procedures, including establishing maximum time frames for permit processing and simplified permit procedures.	The proposed project would include pre-wiring for electric vehicle charging in 3 percent of new parking spaces.	Yes
Solid Waste			
Measure 11.1: Waste Diversion	Work with regional partners to increase the diversion of solid waste to 75 percent as required under Assembly Bill (AB) 341.	The proposed project would comply with AB 341.	Yes
Off-Road Equipment			
Measure 12.1: Lawn and Garden Equipment	Support a community-wide transition to cleaner outdoor lawn and garden equipment.	The proposed project would provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.	Yes
Measure 12.2: Construction Best Management Practices	Encourage construction projects to comply with BAAQMD performance-based best management practices.	With implementation of Mitigation Measure AIR-1, the proposed project would implement the BAAQMD's Basic Construction Mitigation Measures.	Yes with Mitigation Measure AIR-1

Source: City of Milpitas (2013) and LSA (May 2020).

Mitigation Measure GHG-1: The project applicant shall demonstrate compliance with the applicable measures to the City of Milpitas prior to the issuance of a building permit. The following measures are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Install Energy Star appliances.
- Install on-site renewable energy, such as solar panels.
- Use water-efficient irrigation systems and use reclaimed water, when available.

Implementation of Mitigation Measure GHG-1 would implement applicable measures included in the CAP that are applicable to the project to reduce GHG emissions. Overall, the mitigated project would implement GHG reduction measures in compliance with the CAP and, therefore, would not be a significant source of GHG emissions. Therefore, the project's impacts would be less than significant with mitigation incorporated.

b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ***(Less-Than-Significant Impact)***

Absent any other local or regional climate action plan, the proposed project was analyzed for consistency with the CARB Scoping Plan measures, including the following. The following discussion evaluates the proposed project according to the goals of AB 32, the AB 32 Scoping Plan, Executive Order B-30-15, SB 32, and AB 197.

AB 32 is aimed at reducing GHG emissions to 1990 levels by 2020. AB 32 requires the CARB to prepare a Scoping Plan that outlines the main State strategies for meeting the 2020 deadline and to reduce GHGs that contribute to global climate change. The AB 32 Scoping Plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program.

Executive Order Executive Order B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. CARB released a second update to the Scoping Plan, the 2017 Scoping Plan,[28] to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in Executive Order B-30-15. SB 32 builds on AB 32 and keeps us on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32, AB 197, provides additional direction to the CARB related to the adoption of strategies to reduce GHG

[28] California Air Resources Board. 2017. *California's 2017 Climate Change Scoping Plan*. November.

emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are collected by CARB was posted in December 2016.

As identified above, the AB 32 Scoping Plan contains GHG reduction measures that work towards reducing GHG emissions, consistent with the targets set by AB 32, Executive Order B-30-15 and codified by SB 32 and AB 197. The measures applicable to the proposed project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. As identified above, the proposed project would comply with the latest Title 24 standards of the California Code of Regulations, regarding energy conservation and green building standards. Therefore, the proposed project would comply with applicable energy measures.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. As noted above, the project would be required to comply with the latest Title 24 standards of the California Code of Regulations, which includes a variety of different measures, including reduction of wastewater and water use. In addition, the proposed project would be required to comply with the California Model Water Efficient Landscape Ordinance and would include a total of 3,440 square feet of bio-retention space in 10 different areas adjacent to the proposed building. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures.

The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. Specific regional emission targets for transportation emissions would not directly apply to the proposed project. However, vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program. The second phase of Pavley standards will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. Vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program. Therefore, the proposed project would not conflict with the identified transportation and motor vehicle measures.

The proposed project would develop new residences that would locate residents near existing residential, commercial, and light industrial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, bicycle parking, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles.

The proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32, the AB 32 Scoping Plan, Executive Order B-30-15,

SB 32, and AB 197 and would be consistent with applicable State plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. This impact would be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

The following discussion is based on the findings from the Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project.[29] The Phase I ESA is included in Appendix G.

*a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **(Less-Than-Significant Impact)***

Although small quantities of commercially-available hazardous materials could be used during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. Therefore, development of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and this impact would be less than significant.

[29] BASELINE Environmental Consulting, 2020. *Phase I Environmental Site Assessment, 1724 Sunnyhills Court Project, Milpitas, California.* May 28.

b. Would the project 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? ***(Less Than Significant with Mitigation Incorporated)***

There are two main ways that the public and/or the environment could be affected by the release of hazardous materials from the project site into the environment, including: 1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project; or 2) exposing workers and/or the public to hazardous building materials (e.g., lead paint, asbestos) during demolition of existing structures.

The Phase I ESA prepared for the proposed project did not identify any Recognized Environmental Conditions (REC) on the project site. However, the project site and surrounding areas were historically used for agriculture from at least 1939 through 1963, and therefore shallow site soils could be impacted with organochlorine pesticides (OCPs) and arsenic. Therefore, construction-related activities could result in the release of hazardous materials into the environment. Implementation of Mitigation Measure HAZ-1, described below, would ensure this impact would be reduced to a less-than-significant level.

Mitigation Measure HAZ-1: Prior to the issuance of a grading permit, shallow soil samples shall be collected at the project site by a qualified environmental professional to determine whether arsenic, other heavy metals, or OCPs are present in the site subsurface. Soil analytical results shall be screened against naturally-occurring concentrations for arsenic and other metals as well as the San Francisco Regional Water Quality Control Board's Environmental Screening Levels. Once the soil sampling analysis is complete, a report of the findings shall be submitted to the Planning Manager of the City of Milpitas Planning and Neighborhood Services Department, or the appropriate designee, for review and approval. If contaminated soils are found in concentrations above established thresholds for construction worker safety or residential use, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soils or other materials encountered during construction activities. The SMP shall be submitted to, and approved by, the Planning Manager of the City of Milpitas Planning and Neighborhood Services Department prior to the issuance of a grading permit.

Based on the age of the structures on the project site, hazardous building materials including asbestos-containing materials, lead-based paint, and polychlorinated biphenyls-containing materials and electrical equipment may be present. Therefore, demolition of these structures could result in the release of hazardous materials into the environment. Implementation of Mitigation Measure HAZ-2, described below, would ensure that this impact would be reduced to a less-than-significant level.

Mitigation Measure HAZ-2: Prior to the issuance of any demolition permits for existing structures on the project site, a comprehensive Hazardous Building Materials Survey (HBMS) for the project site shall be prepared and signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials, lead-based paint, polychlorinated biphenyls-containing materials and electrical equipment and any other hazardous building materials. The HBMS and abatement specifications shall be submitted to and approved by the City prior to the start of abatement activities. The HBMS shall include abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations. The demolition contractor(s) shall implement the abatement specifications and submit to the City evidence of completion of abatement activities prior to demolition of the existing structures.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ***(Less Than Significant with Mitigation Incorporated)***

The Marshall Pomeroy Elementary School, a public elementary school within the Milpitas Unified School District, is located approximately 0.2 miles southeast of the project site. Additionally, the Thomas Russell Middle School, Milpitas High School, and various private schools are located within 0.5 miles of the project site. As noted in Section 4.9.a, the proposed project could require the use of small quantities of commercially-available hazardous materials during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site. However, these materials would not be used in sufficient quantities to pose a threat to human or environmental health.

As described in Section 4.9.b, construction of the proposed project could result in a release of hazardous materials into the environment. However, implementation of Mitigation Measures HAZ-1 and HAZ-2 would ensure that potentially significant impacts associated with the accidental release of hazardous materials into the environment are reduced to a less-than-significant level.

d. Would the project 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, would it create a significant hazard to the public or the environment? ***(Less Than Significant with Mitigation Incorporated)***

The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As discussed in Section 4.9.b, soils on the project site may be potentially impacted with OCPs or arsenic, and existing buildings on the project site may contain hazardous building materials. However, this impact would be reduced to a less-than-significant level with implementation of Mitigation Measures HAZ-1 and HAZ-2.

e. Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ***(No Impact)***

Please refer to Section 4.13.c. The closest private airport to the project site is the Regional Medical Center heliport (88CA), located approximately 7 miles south of the project site. The project site is located approximately 5.7 miles northeast of the San José Jose International Airport, the closest public airport. The project site is not located within the Airport Safety Zones or Airport Influence Area of the San José International Airport.[30] Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area due to the proximity of an airport and no impact would occur.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***(No Impact)***

The City of Milpitas Fire Department (Fire Department) Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, respond to, and recover from natural and technological disasters. In addition, the County of Santa Clara Office of Emergency Services coordinates county-wide emergency response efforts including the preparation and implementation of the County of Santa Clara Emergency Operations Plan (EOP).[31] However, the EOP does not address specific responses, scenarios, hazards, or threats, within Milpitas. In addition, the EOP does not indicate the emergency evacuation routes within Santa Clara County. Because the proposed project would result in the redevelopment of an existing site within a private apartment complex and would not alter existing travel lanes or block adjacent public roadways, implementation of the proposed project would not be expected to impair the function of nearby emergency evacuation routes. Therefore, the proposed project would have no impact on implementation of an adopted emergency response plan or emergency evacuation plan.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ***(No Impact)***

The project site is in an urban area and is not within or adjacent to a wildland fire hazard area.[32] Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires.

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30 Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Santa Clara County, Norma Y. Mineta San* José *International Airport*. May 25.

31 Santa Clara, County of, 2017. *Emergency Operations Plan*. January.

32 California Department of Forestry and Fire Protection, 2008. Santa Clara County, Very High Fire Hazard Severity Zones in Local Responsibility Area. October 8.

4.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☒	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☒	☐	☐
i. Result in substantial erosion or siltation on- or off-site;	☐	☒	☐	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☒	☐	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☒	☐	☐
iv. Impede or redirect flood flows?	☐	☒	☐	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

*a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? **(Less Than Significant with Mitigation Incorporated)***

The State Water Resources Control Board and nine Regional Water Quality Control Boards regulate water quality of surface water and groundwater bodies throughout California. In the Bay Area, including the project site, the San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for implementation the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses for waterways and water bodies within the region.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program (established through the federal Clean Water Act). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES Program is administered by the Water Board. According to the water quality control plans of the Water Board, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require

compliance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The proposed project would result in the disturbance of approximately 2.2 acres and, as such, would be required to comply with the Construction General Permit.

The proposed project would be subject to the Water Board's Municipal Regional Permit (MRP), implemented in November 2015 by Order R2-2015-0049. Provision C.3 of the MRP requires new development and redevelopment projects that would replace more than 10,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the C.3 requirements, the preparation and submittal of a Stormwater Control Plan (SCP) would be required for the project site. The purpose of an SCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include Low Impact Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource, rather than a waste product. The proposed project would also be required to prepare a Stormwater Facility Operation and Maintenance Plan to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

The City of Milpitas is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which provides stormwater management for the area including the project site. As previously discussed, the project site is currently developed and implementation of the proposed project would result in an increase of approximately 0.5 acres of impervious surfaces. Construction activities associated with the proposed project would cause disturbance of soil during excavation work, which could adversely impact water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during development. Although surface runoff from the site would likely decrease with the proposed project (due to the proposed stormwater treatment measures), runoff from the proposed landscaped areas may contain residual pesticides and nutrients (associated with landscaping) and sediment and trace metals (associated with atmospheric deposition) during operation of the project. Operation of the proposed project could incrementally contribute to the long-term degradation of runoff water quality and as a result, adversely affect water quality in the receiving waters and San Francisco Bay. The proposed project would be considered a "regulated project" under the MRP, indicating that the State Water Resources Control Board has determined the size and nature of the project has the potential to discharge a significant pollutant load to stormwater runoff and receiving waters.

Implementation of the following two mitigation measures would ensure that the proposed project complies with the Water Board's water quality standards by reducing the potential construction- and operation-period impacts to water quality to a less-than-significant level.

Mitigation Measure HYD-1: Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000–DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the Planning Manager of the City of Milpitas Planning Department for review and approval prior to the issuance of any permits for ground disturbing activities.

The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.

Mitigation Measure HYD-2: The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the Planning Manager of the City of Milpitas Planning and Neighborhood Services Department for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:

- An inventory and accounting of existing and proposed impervious areas.

- Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.

- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.

- A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ***(Less-Than-Significant Impact)***

The proposed project would include the installation of new water lines on the project site that would connect to the existing 8-inch main located within Sunnyhills Court. Although no use of groundwater is proposed for the proposed project, some dewatering may be required during construction. Any dewatering activities would be expected to be temporary in nature. Therefore, the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge and this impact would be less than significant.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site; ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv. Impede or redirect flood flows? ***(Less Than Significant with Mitigation Incorporated)***

The proposed project would not alter the course of a stream or river. The project site is located in a developed area and would not substantially alter the existing drainage patterns in a manner that would result in substantial erosion or siltation on- or off-site. Furthermore, compliance with construction- and operation phase stormwater requirements (Mitigation Measures HYD-1 and HYD-2) would further ensure that development of the project would not result in substantial erosion or siltation on- or off-site. Therefore, this impact would be less than significant.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? ***(No Impact)***

The project site is not located within a 100-year flood hazard zone as mapped by FEMA and is not located within a mapped dam failure inundation area.[33] There are no levees protecting the site from flooding and as a result, no risk of failure. The project site and surrounding areas are generally level and would not be subject to mudlfows. The project site is not located within a mapped tsunami area for Milpitas[34] and no seismically induced seiche waves have been documented in the San Francisco Bay throughout history.[35] Therefore, the site is not at risk of inundation and no impacts related to pollutant releases as a result of inundation at the project site would occur.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ***(Less Than Significant with Mitigation Incorporated)***

As noted in Section 4.10.a, implementation of Mitigation Measures HYD-1 and HYD-2 would require preparation and implementation of both a SWPPP and SCP, and would ensure that the proposed project would have a less-than-significant impact related to stormwater runoff. Therefore, the proposed project would not obstruct implementation of a water quality control plan or sustainable groundwater management plan.

[33] Federal Emergency Management Agency, 2014. FEMA Flood Map Service Center (map). Website: https://msc.fema.gov/portal/search?AddressQuery=1724%20Sunnyhills%20Court%2C%20Milpitas#searchresultsanchor (accessed May 2020).

[34] California, State of, 2009. *California Emergency Management Agency. Tsunami Inundation Map for Emergency Planning: Milpitas Quadrangle.* July 31.

[35] Association of Bay Area Governments and Metropolitan Transportation Commission, 2013. *Plan Bay Area.* July 18.

4.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☒	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

*a. Would the project physically divide an established community? **(Less-Than-Significant Impact)***

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community.

The project site is located in an urban area in the City of Milpitas and is surrounded by residential and commercial uses. The proposed project would result in redevelopment of an existing leasing office/community building site within an existing apartment complex with additional residential units, a new leasing office/community building, and associated improvements. The proposed project would not require the construction of any new infrastructure that would divide an established community, and would not remove any means of access. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. This impact would be less than significant.

*b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? **(Less-Than-Significant Impact)***

The City of Milpitas General Plan Land Use Map designates the project site as MFH and the City's Zoning Map identifies the project site as R3. Multi-family residential uses are permitted with a density of 12 to 20 units per gross acre. The proposed project would have a density of 17 units per acre, and therefore would be consistent with the City's Zoning Ordinance.

As noted in Section 2.0, Project Description, the project site is subject to the conditions of a PUD, and therefore the proposed project would require a PUD Amendment. The purpose of Planned Unit Development approval is to allow diversification in the relationships of various buildings, structures, and open spaces in planned building groups and the allowable heights of said buildings and structures, while insuring substantial compliance to the underlying zoning district regulations.

Pursuant to Section XI-10-54.07(b)(6), the following standard requirements must be met for the City to grant a Planned Unit Development permit: a) the proposed development will result in an intensity of land utilization no higher than, and standards of open spaces at least as high as, permitted or specified otherwise for such development in the General Plan, Zoning Ordinance, and Subdivision Ordinance; b) the development will not create traffic congestion pursuant to CEQA; and c) for residential development in the Valley Floor Planning Area, as defined in the Milpitas General Plan Land Use Element, the maximum dwelling unit density per gross acre shall be the upper limit of the corresponding General Plan density range within each zoning designation. In addition, the following specific findings pursuant to Section XI-10-54.07(B)(6)(d) must be met to grant a Planned Unit Development permit: i) development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts; ii) the proposed Planned Unit Development is consistent with the Milpitas General Plan; and iii) the proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy that are not mitigated to acceptable levels. These findings apply to amendments to an existing PUD as well.

The proposed project requires a PUD amendment because it would modify the site layout of an existing PUD with the construction of the new units; requests a reduction of parking stall dimensions; requests that 35 units be exempted from the 200 square-foot minimum private open space requirement; and would remove an existing common space area to accommodate the 44 new units.

As noted above, the project site has a General Plan Land Use designated of MFH and is located within the R3 zoning district which allows a density of 12 to 20 units per gross acre, and the proposed project would result in a density of 17 units per gross acre. Additionally, Section XI-10-4.05 requires 25 percent of the total lot area to be landscaped or recreational open space, and that an average of 200 square feet of useable opens space be provided. As described in Section 2.0, Project Description, the proposed project would provide a total of 62 percent of the lot area for open space, and an average of 246 square feet of useable open space per unit. As noted in Section 4.17, Transportation, and Appendix I, the proposed project would generate less than 100 peak hour trips, and therefore would not result in new traffic congestion.

In addition to the standards above, the following findings must also be made: i) development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts; ii) the proposed Planned Unit Development is consistent with the Milpitas General Plan; and iii) the proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy that are not mitigated to acceptable levels.

It should be noted that according to CEQA, policy conflicts do not, in and of themselves, constitute a significant environmental impact. Policy conflicts are considered to be environmental impacts only when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed

in this Initial Study under specific topical sections. The proposed project would not result in any direct physical impacts that cannot be mitigated to a less-than-significant level.

Although the proposed project would require a PUD Amendment, the proposed project would not substantially conflict with the intent of the City's General Plan or zoning regulations. Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant.

4.12 MINERAL RESOURCES

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

*a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **(No Impact)***

The project site is located within an urban area on a previously developed site and there are no known mineral resources within the vicinity of the project site that would be of value to the region or to the State. The City of Milpitas General Plan identifies four areas designated by the State Geologist as containing Regionally Significant Construction Aggregate Resources.[36] However, each of these mineral resource areas are located in the foothills outside City limits. As such, development of the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State, and there would be no impact related to the availability of mineral resources.

*b. Would the project 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? **(No Impact)***

Refer to Section 4.12.a. The proposed project would not result in the loss of availability of any known locally important mineral resource recovery site. Therefore, no impact related to the availability of a mineral resources recovery site would occur.

[36] Milpitas, City of, 2015.General Plan Open Space & Environmental Conservation Element. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter4.pdf (accessed May 2020).

4.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

The following provides an overview of the characteristics of sound and vibration as well as the regulatory framework that applies to noise within the vicinity of the project site. The existing noise environment in and around the project site is also described.

Characteristics of Sound. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a ten-fold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements which better represent how humans are more sensitive to sound at night. As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq}, the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on dBA. L_{dn}, sometimes denoted as DNL, represents the time varying noise over a 24-hour period, with a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours).

L_{dn} is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours of 7:00 p.m. to 10:00 p.m.

Characteristics of Vibration. Vibration refers to ground-borne noise and perceptible motion. Ground-borne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where the motion may be discernible. Typically, there is more adverse reaction to effects associated with the shaking of a building. Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by occupants as the motion of building surfaces, the rattling of items on shelves or hanging on walls, or a low-frequency rumbling noise. The rumbling noise is caused by the vibration of walls, floors, and ceilings that radiate sound waves. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less. This is an order of magnitude below the damage threshold for normal buildings.

Typical sources of ground-borne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earthmoving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with both ground-borne vibration and noise from these sources are usually localized to areas within approximately 100 feet from the vibration source, although there are examples of ground-borne vibration causing interference out to distances greater than 200 feet.[37] When roadways are smooth, vibration from traffic, even heavy trucks, is rarely perceptible. It is assumed for most projects that the roadway surface will be smooth enough that ground-borne vibration from street traffic will not exceed the impact criteria; however, both the construction of the project could result in ground-borne vibration that may be damaging.

Ground-borne vibration has the potential to damage buildings. Although it is very rare for typical construction activities to cause even cosmetic building damage, it is not uncommon for construction processes such as blasting and pile driving to cause vibration of sufficient amplitudes to damage nearby buildings. Ground-borne vibration is usually measured in terms of vibration velocity, either the root-mean-square (RMS) velocity or peak particle velocity (PPV). The PPV is used to characterize potential for damage.

Regulatory Framework. The City addresses noise in the Noise Element of the General Plan[38] and in Chapter 213 of the City's Municipal Code (Noise Ordinance).[39] The Noise Element of the City's General Plan provides an understanding of existing and future noise conditions within the City, establishes a basis for evaluating potential noise impacts on future development, and includes policy statements to guide public and private planning to attain and maintain acceptable noise levels. The City's Noise Compatibility Standards are shown in Table 4.G. As shown in Table 4.G, the "normally acceptable" noise level for multi-family residential uses is 65 dBA L_{dn}, with a "conditionally

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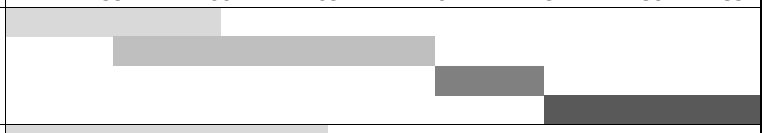
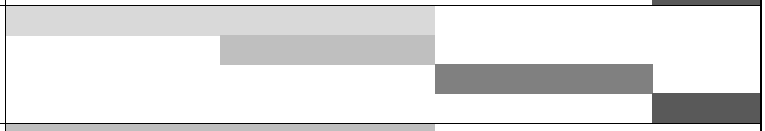
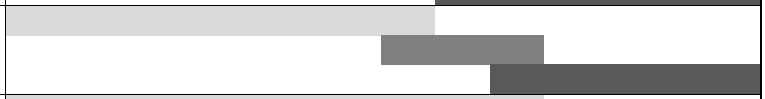
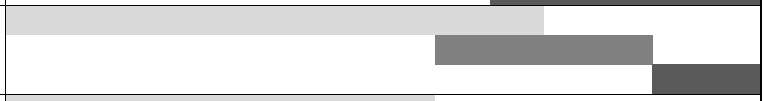
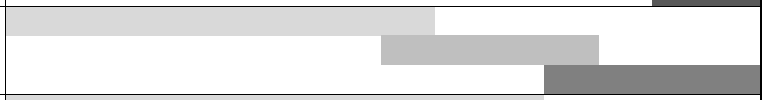
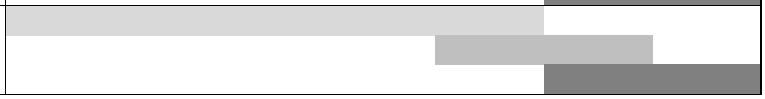
37 California Department of Transportation, 2013. *Caltrans Transportation and Construction Vibration Guidance Manual*. September.

38 Milpitas, City of, 2010. *Milpitas General Plan*. April.

39 Milpitas, City of, 2020. *Milpitas Municipal Code*. Chapter 213.

acceptable" range between 60 dBA and 70 dBA. The "normally unacceptable" noise level is between 70 dBA and 75 dBA L_{dn}.

Table 4.G: City of Milpitas Noise Compatibility Standards

Land Use Category	Community Noise Exposure, L_{dn} or CNEL, dB 55 60 65 70 75 80 85
Residential – Low Density Single Family, Duplex, Mobile Homes	
Residential Multi-Family	
Transient Lodging Motels, Hotels	
Schools, Libraries, Churches, Hospitals, Nursing Homes	
Auditoriums, Concert Halls, Amphitheaters	
Sports Arena, Outdoor Spectator Sports	
Playgrounds, Neighborhood Parks	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	
Office Buildings, Business Commercial and Professional	
Industrial, Manufacturing, Utilities, Agriculture	

Normally Acceptable		Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Buildings are of conventional construction.
Conditionally Acceptable		New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable		New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable		New construction or development should generally not be undertaken.

Source: *City of Milpitas General Plan* (2010).

Additionally, the following Implementation Policies from the City's General Plan would be applicable to the proposed project:

- 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-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the proposed use.

- 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.

- Policy 6-I-7: Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.

- Policy 6-I-12: New noise-producing facilities introduced near sensitive land uses which may increase noise levels in excess of "acceptable" levels will be evaluated for impact prior to approval; adequate mitigation at the noise source will be required to protect noise-sensitive land uses.

- Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

Chapter 213 of the City's Municipal Code prohibits construction activities outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and on holidays except during emergencies. The noise ordinance also contains residential zone regulations in Section V-213-3(a). The residential zone regulations stipulate that it is unlawful for any person in any residential zone to make or cause any disturbing noise, such as amplified music, horns, or yelling, that increases the ambient noise level by 3 dB or to greater than 65 dB, whichever is more restrictive. The residential zone regulations also stipulate that it is unlawful for any person in a residential zone to make or cause any disturbing noise that is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or 100 feet from any nonstationary noise source.

Because the City of Milpitas does not have established vibration thresholds related to potential damage, vibration standards included in the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment[40] are used in this analysis. The criteria for environmental impact from groundborne vibration are based on the maximum levels for a single event. FTA guidelines show that a vibration level of up to 0.5 inches per second [in/sec] in peak particle velocity [PPV] is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and

[40] Federal Transit Administration, 2018. Office of Planning and Environment. *Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06*. September.

would not result in any construction vibration damage. For a non-engineered timber and masonry building, the construction building vibration damage criterion is 0.2 in/sec in PPV.

Existing Noise Conditions. Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is bound by existing apartment complex buildings to the north, west, and south, and by single-family residential uses to the east. The Sunnyhills Apartment complex is bound by Dixon Road to the north, residential uses to the east and south, and commercial uses including the City Square Center to the west.

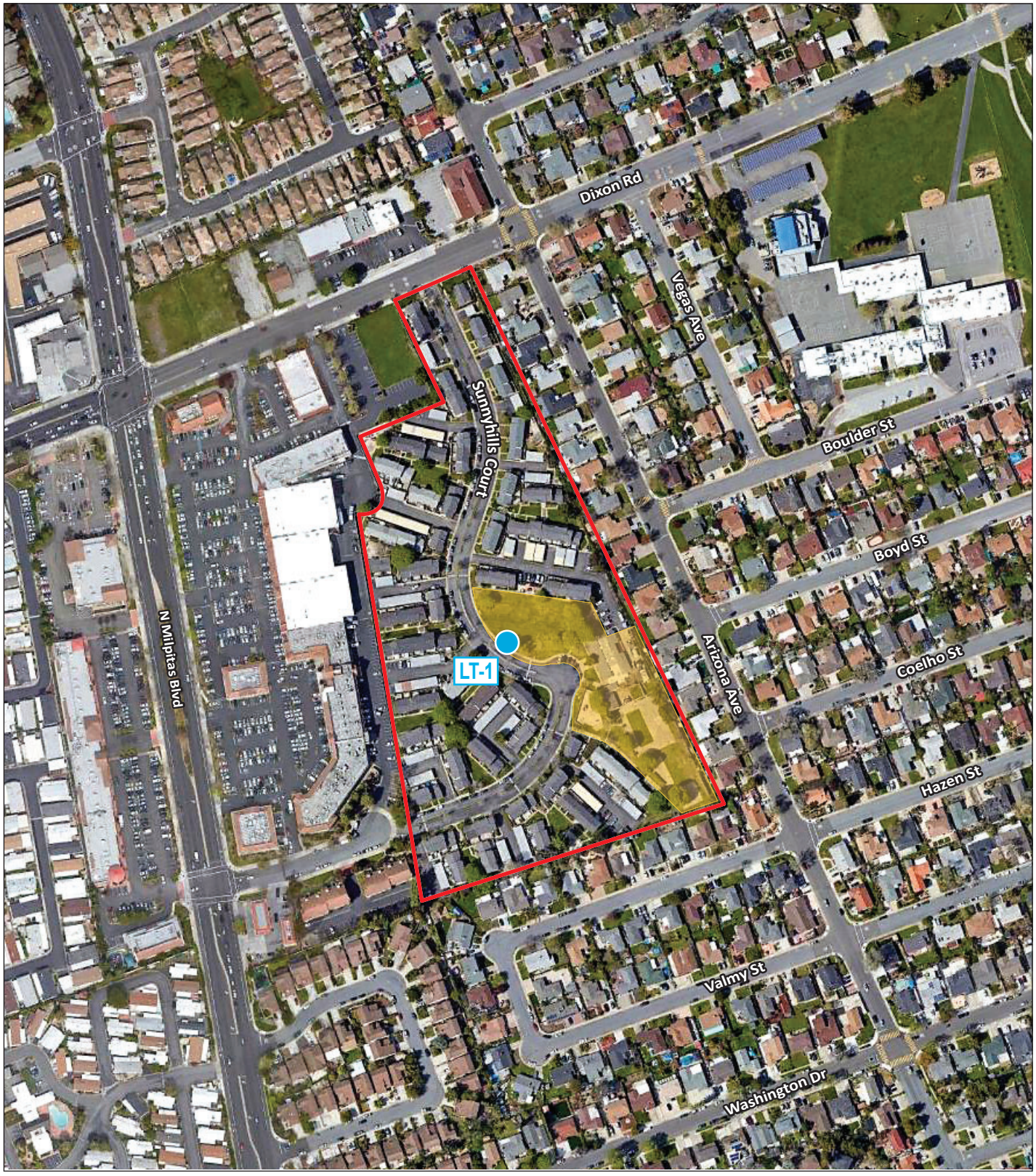
Existing Ambient Noise Level Measurements. The ambient noise environment in the vicinity of the project site is affected by a variety of noise sources. While noise associated with aircraft flyovers and sporadic events such as trash pick-up activities occur in the project area, the major sources of noise are traffic on the roadways surrounding the project site and impacts from parking lot and loading activities from the City Square Center. One long-term (72-hour) noise measurement (LT-1) was conducted May 8, 2020 through May 11, 2020 on the project site to establish the existing ambient noise environment on the project site. While noise measurements were gathered during a potentially quieter time due to the shelter-in-place conditions in effect at the time pursuant to the Order of the Santa Clara County Health Officer (effective April 29, 2020), the results were compared to the noise contours within the City's General Plan and it appears that noise levels are generally consistent. Data collected during the noise measurements are summarized in Table 4.H. The noise measurements indicate that ambient noise at the project site approaches 54 dBA L_{dn}. The noise measurement location is shown in Figure 4-1 and noise measurement sheets are provided in Appendix H.

Table 4.H: Long-Term Ambient Noise Level Measurements (May 8- May 11, 2020)

Location	Days	Daytime Noise Levels[1] (dBA L_{eq})	Nighttime Noise Levels[2] (dBA L_{eq})	Daily Noise Level (dBA L_{dn})	Maximum Daily Noise Level (dBA L_{dn})
LT-1: Along Sunnyhills Court in existing grass area, 150 feet west of the existing leasing office/community building	Friday and Monday	45.8 – 54.2	38.7 – 50.5	53.5	53.5
	Saturday and Sunday	42.8 – 53.4	38.3 – 47.8	52.5	

Source: Compiled by LSA. (May 8-11, 2020).
[1] Daytime Noise Levels = noise levels during the hours of 7:00 a.m. to 7:00 p.m.
[2] Nighttime Noise Levels = noise levels during the hours of 10:00 p.m. to 7:00 a.m.

dBA = A-weighted decibels
L_{dn} = day-night average noise level
L_{eq}=equivalent continuous sound level



LSA

FIGURE 4-1

LT1 Long-term Noise Monitoring Location (72 hours)

Existing Sunnyhills Apartments

Project Site

N

0 200 400

FEET

1724 Sunnyhills Court Project IS/MND

Noise Monitoring Locations

SOURCES: GOOGLE EARTH, 3/28/18; LSA, 2020.

P:\MLP1902.02 1724 Sunnyhills\PRODUCTS\Graphics\Figure_3-1.ai (6/1/2020).

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ***(Less Than Significant with Mitigation Incorporated)***

Construction Noise Impacts. Implementation of the proposed project would include construction activities that would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

The closest sensitive receptors would be the existing apartment buildings located within the Sunnyhills Complex to the north and single-family homes to the east and south with the closest existing façade approximately 12 feet away. Project construction would result in short-term noise impacts to these sensitive receptors. Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. Project construction would occur for approximately 12 months. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table 4.I lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area, but would no longer occur once construction of the proposed project is complete.

Table 4.I: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level (L_{max}) at 50 Feet[1]
Compressor	40	80
Cranes	16	85
Dozers	40	85
Drill Rig	20	84
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Generator	50	82
Man-lift	20	85
Rollers	20	85
Water Truck	40	84
Welder	40	73

Source: Roadway Construction Noise Model (FHWA 2006).
Note: Noise levels reported in this table are rounded to the nearest whole number.
[1] Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.
L_{max} = maximum instantaneous sound level

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transportation of construction equipment and materials to the site for the proposed project, which would incrementally increase noise levels on roads leading to the site. As shown in Table 4.I, there would be a relatively high single-event noise exposure potential at a maximum level of 85 dBA L_{max} with trucks passing at 50 feet.

The second type of short-term noise impact is related to noise generated during demolition, excavation, grading, and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 4.I lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Average maximum noise levels range up to 85 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

As identified above, the project site is immediately adjacent to existing apartment buildings to the north and single-family homes to the east with the closest existing façade approximately 12 feet away. While construction noise levels have the potential to exceed 97 dBA L_{max} when construction activities occur near the edge of construction, assuming a 6 dBA reduction for every doubling of distance, the average construction noise levels would be 79 dBA L_{max} based on a distance of 100 feet which is generally the center of the project site. This noise level would be higher than existing noise levels at the off-site residences. Construction noise is permitted by the Chapter 213 of the City's Municipal Code when activities occur between the hours of 7:00 a.m. and 7:00 p.m.

As discussed above, construction noise could result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of the following mitigation measure would reduce potential construction period noise impacts to sensitive receptors to less-than-significant levels.

Mitigation Measure NOI-1: The project contractor shall implement the following measures during construction of the project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction activities.
- Ensure that all construction related activities are restricted to the hours of 7:00 a.m. and 7:00 p.m.
- Designate an on-site "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Although there would be high intermittent noise generated during the temporary construction period, construction of the proposed project would not significantly affect land uses adjacent to the project sites. In addition, construction of the project would comply with the hourly limits specified by the City, as required by Mitigation Measure NOI-1. Therefore, project impacts related to temporary and periodic increases in ambient noise levels would be less than significant.

Long-Term Noise Impacts. The proposed project would generate long-term noise impacts from traffic noise sources, as discussed below.

In order to assess the potential traffic impacts related to the proposed project, information was utilized from the Traffic Operations Report[41] for the proposed project. Based on the analysis results, it was determined that up to an additional 322 average daily trips (ADT) would be generated by the project. Of the 322 new trips generated by the proposed project, 64 percent of the trips, or 206 trips, would be added to Milpitas Boulevard while 36 percent, or 118 trips, would be added to Dixon Road. Based on traffic counts gathered in 2005 supporting the City's Traffic Volumes Map,[42] the ADT along Dixon Road was determined to be 3,400 and the ADT along Milpitas Boulevard was determined to be 20,533. Assuming a 1 percent per year growth, the 2020 traffic volumes were estimated to be 3,950 along Dixon Road and 23,800 along Milpitas Boulevard. The following equation was used to determine potential noise impacts:

41 Hexagon Transportation Consultants, Inc. 2020. *Traffic Operations Analysis Report for 1724 Sunnyhills Court Townhouse Project*. May 28.

42 Milpitas, City of, 2007. *City of Milpitas Traffic Volumes Map.* Available online at: http://www.ci.milpitas.ca.gov/_pdfs/trans_traffic_volume_map.pdf (accessed May 2020).

$$\text{Change in } L_{dn} = 10 \log_{10} [V_{e+p}/V_{existing}]$$

Where: $V_{existing}$ = the existing daily volume
V_{e+p} = existing daily volumes plus project
Change in L_{dn} = the increase in noise level due to the project

The results of the calculations show that an increase of approximately 0.2 dBA L_{dn} is expected along Dixon Road and an increase of less than 0.1 dBA L_{dn} is expected along Milpitas Boulevard. A noise level increase of less than 1 dBA would not be perceptible to the human ear; therefore, the traffic noise increase along Dixon Road and Milpitas Boulevard would be less than significant.

Land Use Compatibility. The dominant sources of noise in the project vicinity are traffic noise from roadways in the project vicinity and the commercial center to the west.

Exterior Noise Assessment. As shown in Table 4.H, the existing measured noise levels on the project site, which include traffic on surrounding major roadways, traffic internal to the existing apartment complex, and operations at the commercial center to the west, approach 54 dBA L_{dn}. The City sets forth normally acceptable noise level standards for land use compatibility and interior noise exposure of new development. The normally acceptable exterior noise level for multi-family residential uses is 65 dBA L_{dn} which specifies that the land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction and would not need any special noise insulation requirements. The normally acceptable interior noise level for single-family homes is 45 dB $L_{dn.}$ or less and mechanical ventilation is required where a windows-closed condition is required to obtain interior noise levels less than 45 dBA L_{dn}.

In order to calculate the future traffic noise levels for the Year 2040 conditions, the following equation was utilized:

$$(\Delta) = 10 \log\left(\frac{a}{b}\right)$$

where: (Δ) = change in noise level (dBA) due to traffic volume increase
a = future ADT volume assuming a 1% per year growth factor
b = existing ADT volume

The results of the calculation show an increase of 0.9 dBA L_{dn} for future conditions with future noise levels approaching 55 dBA L_{dn}. Therefore, noise levels would remain in the normally acceptable range and the proposed project would be a conforming land use.

Interior Noise Assessment. As discussed above, the City's interior noise level standard of 45 dBA L_{dn} or less is required for all noise-sensitive rooms. Based on the future expected noise level of 55 dBA L_{dn}, a minimum noise reduction of 10 dBA would be required.

The interior noise levels were calculated from the exterior noise levels and based on the United States Environmental Protection Agency's (EPA) Protective Noise Levels (1978),[43] with a combination of exterior walls, doors, and windows. Standard construction in California residential buildings would provide an exterior-to-interior noise reduction of 12 dBA or more with windows open (the national average is 15 dBA with windows open). Therefore, with standard building construction, interior noise levels would meet the City's noise standard and this impact would be less than significant.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels? ***(Less Than Significant with Mitigation Incorporated)***

Ground-borne vibration from construction activity has the potential to be high when activities occur near project boundaries but would be mostly low to moderate as activities are more central to the project site. While there is currently limited information regarding vibration source levels, the levels shown in Table 4.J are utilized in this analysis and are based on the FTA Manual.

Table 4.J: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/L_V at 25 Feet	
	PPV (in/sec)	L_V (VdB)[1]
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: *Transit Noise and Vibration Impact Assessment* (FTA 2018).
[1] RMS VdB re 1 µin/sec.
µin/sec = microinches per second
FTA = Federal Transit Administration
in/sec = inches per second
L_V = velocity in decibels
PPV = peak particle velocity
RMS = root-mean-square
VdB = vibration velocity in decibels

The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary). The formula for vibration transmission is provided below.

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

43 United States Environmental Protection Agency (EPA). 1978. Protective Noise Levels, Condensed Version of EPA Levels Document, EPA 550/9-79-100. November.

As stated above, it would take a minimum of 0.2 in/sec PPV for damage to occur to a non-engineered timber and masonry building. The project site is bounded by immediately adjacent existing residential uses to the north, east, and south. The closest structures are approximately 12 feet from the project construction area limits. Utilizing the equation above, the operation of typical heavy construction equipment such as large bulldozers and jackhammers would generate ground-borne vibration levels of 0.27 in/sec PPV which would exceed the 0.2 in/sec PPV guideline that is considered safe for non-engineered timber and masonry buildings, and therefore would be potentially significant. Implementation of the following mitigation measure during project construction would reduce potential vibration impacts for receptors within 15 feet of project construction activities to a less-than-significant level.

Mitigation Measure NOI-2: During all construction activities the project construction contractor shall restrict the usage of large bulldozers or other similarly heavy construction equipment within 15 feet of the existing buildings to the north of proposed Buildings A and B and to the west of proposed Buildings E and F.

Implementation of Mitigation Measure NOI-2 would result in vibration levels of 0.19 in/sec PPV, which would be below the 0.2 in/sec PPV level considered safe. Therefore, with implementation of Mitigation Measure NOI-2, the project would not result in damage associated with construction vibration impacts.

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ***(Less-Than-Significant Impact)***

The project site is not located within the vicinity of a private airstrip. The closest private airport to the project site is the Regional Medical Center heliport (88CA), located approximately 7 miles south of the project site.

The proposed project site is not within an airport land use plan, or within 2 miles of a public airport or public use airport. The closest airport to the project site is the Norman Y. Mineta San José International Airport, located approximately 5.7 miles southwest of the project site. The project site is not within the 65 dBA CNEL noise contours of this or any other airport.[44] Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels and impacts would be less than significant.

[44] Santa Clara County Airport Land Use Commission, 2016. *Comprehensive Land Use Plan for Norman Y Mineta San José International Airport.* November 16.

4.14 POPULATION AND HOUSING

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

*a. Would the project induce substantial unplanned 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)? **(Less-Than-Significant Impact)***

The proposed project would include the construction of 44 townhome units within an existing apartment complex. Based on Section XI-1-9.05 of the City's Municipal Code, the proposed project would increase the local population by approximately 125 persons.[45] The current population of the City is estimated to be approximately 78,106.[46] The anticipated population growth associated with the proposed project represents a less than 1 percent increase to the City's current population. The City's population is projected to grow to a total of 103,790 by 2040.[47] The proposed project represents approximately 0.5 percent of the population growth anticipated through 2040. Therefore, the proposed project would not result in substantial unplanned population growth in the area, and this impact would be less-than-significant.

*b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? **(Less-Than-Significant Impact)***

The project site is currently developed with the leasing office/community building and surrounding play areas within an existing apartment complex and does not contain any residential uses. Construction of the proposed project would not displace existing residents within the nearby apartment buildings. Therefore, the proposed project would not result in the displacement of people or housing and would not require the construction of replacement housing elsewhere, and there would be no impact.

45 Milpitas, City of, 2019. *Milpitas Municipal Code*. Section XI-1-9.05. June 11.

46 Milpitas, City of, 2019. Milpitas Economic Development. Website: www2.ci.milpitas.ca.gov/economicdev (accessed June 2020).

47 Association of Bay Area Governments and Metropolitan Transportation Commission, 2017. *Projections 2040*. Website: projections.planbayarea.org (accessed June 2020).

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: i. Fire protection? ii. Police protection? iii. Schools? iv. Parks? v. Other public facilities? ***(Less-Than-Significant Impact)***

Fire Protection. Fire suppression, emergency medical and rescue services, and other life safety services are provided to the project area and the site by the Fire Department. There are four fire stations within the City, with the closest to the project site being Fire Station 3 at 45 Midwick Drive, approximately 0.7 miles south of the project site.

As noted above, the proposed project would result in an incremental increase in the population of the City and therefore incrementally increase the demand for emergency fire services and emergency medical services. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fire Department would also review the site plans and Fire Access Plan for the proposed project to ensure that adequate emergency access is provided prior to issuance of a building permit.

The City's General Plan identifies an estimated population of approximately 106,000 by 2035, which is less than current population projections for the City by 2040, as described in Section 4.14.a. The General Plan does not identify a need for new or expanded fire services related to this population growth. Additionally, the City maintains mutual aid agreements with area municipal and County fire

departments through the Santa Clara County Local Mutual Aid Plan, with the California Department of Forestry and Fire Protection, and through the statewide mutual aid agreement.[48] Therefore, the Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would also not be required. The proposed project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life safety services, and the potential increase in demand for service is not expected to adversely affect existing response times to the site or within the City. Therefore, construction and operation of the proposed project would have a less-than-significant impact on fire protection and safety services and facilities.

Police Protection. The City of Milpitas Police Department (Police Department) provides police protection to the project area and project site. The Police Department headquarters are located at 1275 N. Milpitas Boulevard, approximately 0.6 miles south of the project site. Development of the proposed project would increase the population on the project site and incrementally increase demand for emergency police services to the project site. However, the Police Department would continue to provide service to the project site and would not require additional officers to serve the project site, as the City is meeting its goal for response times to in-progress emergencies (Priority 1 calls) and the proposed project represents only approximately 0.5 percent of the population growth anticipated through 2040. The construction of new or expanded police facilities would not be required. Therefore, the proposed project would not result in a substantial adverse impact associated with the provision of additional police facilities or services, and impacts to police services represent a less-than-significant impact.

Schools. The Milpitas Unified School District (MUSD) operates 16 schools, including a child development center, 10 elementary schools (grades K-5), 2 middle schools (grades 6-8), one high school (grades 9-12), one continuation high school, and one adult education school.[49]

The estimated number of students the proposed project would generate is derived by multiplying the number of students per dwelling unit (the student yield factor) by the number of dwelling units in the proposed project (44 new units). MUSD has not developed student generation rates to estimate the number of students that might be anticipated with new development. However, the California State Allocation Board Office of Public School Instruction reports that the Statewide student yield factor of 0.7 students per dwelling unit is applicable for unified school districts. Applying the Statewide average student yield factor, the proposed project would generate up to 31 new students.

Senate Bill 50 (SB 50), which revised the existing limitation on developer fees for school facilities, was enacted as urgency legislation which became effective on November 4, 1998 as a result of the California voters approving a bond measure (Proposition 1A). SB 50 established a 1998 base amount of allowable developer fees (Level One fee) for residential construction (subject to adjustment) and

48 Milpitas, City of, 2018. Op. cit.

49 Milpitas Unified School District, 2018. Website: www.musd.org/about.html (accessed April 3, 2019).

prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute.

The MUSD requires payment of a school impact fee of $4.34 per square foot of residential development. The project applicant would be required to pay this fee, prior to issuance of a certificate of occupancy. The MUSD is responsible for implementing the specific methods for mitigating school impacts under the Government Code. These fees would be directed towards maintaining adequate service levels, which would ensure that any impact to schools that could result from the proposed Project would be offset by development fees, and in effect, reduce potential impacts to a less-than-significant level.

Parks. Development of the proposed project could increase the use of parks within the vicinity of the project site, including Albert Augustine Jr. Memorial Park and Dixon Landing Park, and within the region, including Ed R. Levin County Park and the Mission Peak Regional Preserve. However, this increase in use is not expected to adversely affect the physical conditions of local and regional open space areas or recreational facilities, or require the provision of new parks or facilities. Specifically, the proposed project is anticipated to increase the City population by less than one half of one percent. The proposed project would not result in a substantial increase in demand for park or recreation services in the vicinity, such that new facilities would be required to serve the project. Therefore, the proposed project would have a less-than-significant impact related to the provision of park and recreational facilities.

Other Public Facilities. Development of the proposed project could also increase demand for other public services, including libraries, community centers, and public health care facilities. However, due to the minimal increase in population, the proposed project would not result in a substantially increase the use of these facilities, such that new facilities would be needed to maintain service standards, as these facilities are not currently overused and have capacity to serve new demand. Therefore, impacts to other public facilities would be less than significant.

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b. 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?	☐	☐	☒	☐

*a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **(Less-Than-Significant Impact)***

As discussed in Section 4.14, Public Services, residents of the proposed project would be expected to use local parks and community facilities within the City as well as regional recreational facilities. Although the proposed project would incrementally increase use of these facilities, this minor increase in use is not expected to result in substantial physical deterioration of local parks, trails, and community centers and this impact would be less than significant. Specifically, the proposed project is anticipated to increase the City's population by less than one half of one percent and these facilities are anticipated to have capacity to serve this minimal increase in demand.

As described in Section 2.0, Project Description, the project site includes a play area that would be removed as a result of implementation of the proposed project. The proposed project would result in an approximately 8 percent (33,576-square-foot) overall reduction in open space area. However, the proposed project would still provide approximately 231,376 square feet of open space, including 53,049 square feet of useable common open space and 40,527 square feet of useable private open space. Therefore, the proposed project would have a less-than-significant impact on existing parks or other recreational facilities.

*b. 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? **(Less-Than-Significant Impact)***

The proposed project would involve redevelopment of the project site with residential uses. The proposed project does not include or require the construction or expansion of existing public recreational facilities. Therefore, development of the proposed project and associated recreational opportunities for use by project residents would not result in additional environmental effects beyond those described in this document, and no impact would occur.

4.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

The following section is based on information provided in the Traffic Operations Analysis[50] (TOA) and VMT Findings[51] prepared for the proposed project by Hexagon Transportation Consultants. The TOA evaluates the transportation impacts that could result from the proposed project, including impacts associated with traffic congestion, transit services, and pedestrian and bicycle circulation. The TOA is included as Appendix I of this report, and the VMT Findings are included as Appendix J.

*a. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? **(Less-Than-Significant Impact)***

The TOA prepared for the proposed project was conducted according to the requirements and standards set forth by the City of Milpitas, the Valley Transportation Authority (VTA), and the County of Santa Clara. The VTA administers the Congestion Management Plan (CMP) of Santa Clara County.

Circulation System Analysis. The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the weekday AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to the project driveways.

[50] Hexagon Transportation Consultants, Inc. 2020. *Traffic Operations Analysis Report for 1724 Sunnyhills Court Townhouse Project.* May 28.

[51] Hexagon Transportation Consultants, Inc. 2020. *VMT Findings for 1724 Sunnyhills Court Townhouse Project.* September 11.

Through empirical research, data have been collected that correlate common land uses to their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. Project trip generation was estimated by applying to the size and uses of the proposed development to the appropriate trip generation rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 10th Edition, as shown below in Table 4.K.

Table 4.K: Trip Generation

Land Use	Size	Daily Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate	Total	In	Out	Rate	Total	In	Out
Townhouses [a]	44 units	7.23	322	0.46	20	5	15	0.56	25	16	9

Source: Hexagon Transportation Consultants (2020).
[a] Rates based on ITE Trip Generation, 10th Edition for Multifamily Housing Low-Rise (ITE 220).

Based on trip generation rates applicable to the proposed low-rise multi-family housing use, it is estimated that the proposed project would generate 322 trips per day, with 20 trips occurring during the AM peak hour and 25 trips occurring during the PM peak hour. Therefore, because the proposed project would generate fewer than 100 net new trips during the AM and PM peak hours, a full traffic impact study is not necessary per VTA Transportation Impact Analysis Guidelines (VTA TIA Guidelines). Therefore, it can be assumed that the proposed project would not generate enough new trips such that a conflict with the CMP for Santa Clara County would occur, and this impact would be less than significant.

Pedestrian, Bicycle, and Transit Analysis. The potential impacts of the project on pedestrian, bicycle and transit are described below.

Pedestrian Facilities. According to the U.S. Census, pedestrian trips comprise approximately one percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming one percent of total commute trips would be walking trips, there would be less than one pedestrian trip during each of the AM and PM peak hours. The proposed project also would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. The volume of pedestrian trips generated by the project would not exceed the carrying capacity of the sidewalks and crosswalks nearby. Therefore, the proposed project would have a less-than-significant impact on pedestrian facilities.

Bicycle Facilities. U.S. Census data indicates that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to less than one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities. The existing bike lanes on North Milpitas Boulevard would be unaffected by the proposed project.

According to the CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan or the plans of other agencies such as the County's bicycle plan or adjacent Cities' bicycle/pedestrian plans; or (3) it would cause a change to existing bike paths such as alignment, width of the trail right of way, or length of the trail. Construction of the proposed project would not cause any of these criteria to be met. Therefore, the proposed project would have a less-than-significant impact related to bicycle facilities.

Transit Service. According to the U.S. Census, transit trips comprise approximately 3 percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming 3 percent of total commute trips would be transit trips, there would be approximately one transit trip during each of the AM and PM peak hours. In addition to commute trips, there would be additional transit trips to nearby schools, parks, and shopping areas. The low volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site.

According to the VTA TIA Guidelines, a project would create an impact on transit if: (1) it would generate a demand for additional transit services; or (2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users (e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit). The proposed project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. The proposed project would not preclude, modify or otherwise affect existing or proposed transit projects or policies identified by the VTA. Therefore, the proposed project would have a less-than-significant impact related to transit service.

*b. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)? **(Less-Than-Significant Impact)***

CEQA Guidelines Section 15064.3(b)(1) states that lead agencies generally should presume that projects within 0.5 mile of an existing major transit stop or existing stop along a high quality transit corridor (HQTC) will have a less-than-significant impact related to vehicle miles traveled (VMT). The Governor's Office of Planning and Research (OPR) provided recommendations for project-specific or location-specific information that would indicate a project would still generate significant levels of VMT. For example, the presumption might not be appropriate if the project:

1. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);

2. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization);

3. Replaces affordable residential units with a smaller number of moderate- or high-income residential units; or

4. Has an FAR of less than 0.75

Lead agencies have discretion to develop and adopt their own thresholds, or rely on thresholds recommended by other agencies, "provided the decision of the leady agency to adopt such thresholds is supported by substantial evidence." Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[52]

In this context, a discussion of OPR's four-part criteria for the HQTC presumption are provided below.

Parking. The proposed project would not result in more parking spaces than required by the City. The apartment complex, of which the proposed project is a part of, currently provides approximately 27 fewer parking spaces than required. The proposed project itself would include 13 more parking spaces than required to serve the proposed project, and therefore the apartment complex as a whole would continue to be served by fewer than the required number of parking spaces.

Sustainable Communities Strategy. The project is consistent with the City's General Plan and would be located adjacent to an "Opportunity Area" identified in the City's General Plan Update. There are approximately 231,000 square feet of service retail and commercial services in the project vicinity, including a diverse mix of locally-serving businesses: pharmacy, bank, restaurants, beauty salon, bakeries, dental office, supermarket, educational facilities, self-storage, traditional retail, and religious facilities. The site is also located in pedestrian friendly area; all nearby streets include sidewalks and crosswalks at major intersections. Additionally, there is an existing bike lane (Class II) along Milpitas Boulevard and an existing bike route (Class III) along most of Dixon Landing Road, both of which are proposed in the Bikeways Master Plan for upgrades to low-stress (Class IV) facilities. In the future, the "Opportunity Area," which the project is adjacent to, envisions increased pedestrian-oriented, mixed-use development to support a more vibrant neighborhood center.

Affordable Units. The existing apartment complex is comprised of 100 percent affordable housing. The proposed project would not result in the removal of any existing affordable units.

FAR. As previously described, the overall site on which the project is located includes 171 existing affordable housing units. The density of these existing units, and the proposed 44 new townhomes, would not meet the 0.75 FAR recommendation. However, 15 percent (7 units) of the new project units would be affordable at the extremely low income level.[53] Thus, the project site in aggregate would comprise 178 affordable units and 37 market rate units, resulting in a total affordable housing component of approximately 83 percent. OPR's Technical Advisory on Evaluating Transportation

[52] *Save Cuyama Valley v. County of Santa Barbara (2013).* 213 Cal.App.4th 1059, 1068.

[53] Extremely low income units are affordable to persons making up to 50 percent of the area median income.

Impact in CEQA[54] states that affordable, infill housing, may also meets the criteria for a "presumption of less than significant impact." In addition, the number of units proposed to be added, and their design, is consistent with both the General Plan land use designation and the character of the surrounding neighborhood. If approved, the infill project would increase overall housing density from 13.5 units per acre to 17 units per acre, resulting in increased transit usage from the site. While the project does not meet the 0.75 FAR guidance in aggregate, the increase in density on the site, along with the increase in affordable housing, is consistent with OPR's intent, which is to increase housing density in mixed use, pedestrian/bike supportive areas, with good access to transit facilities.

In summary, the proposed project is consistent with the City's General Plan and affordable housing goals. The project would be located near a mixed-use opportunity area, in a high-quality transit corridor, with viable options for walking and biking. It would also both increase overall residential density and the number of affordable units on the existing site. Given these facts and consistent with the intent of OPR's guidelines, the City of Milpitas as lead agency has discretion to make a finding that the proposed project would result in a less-than-significant impact related to VMT in accordance with CEQA guidelines.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***(Less-Than-Significant with Mitigation Incorporated)***

Access to the project site is currently provided by two existing driveways on Sunnyhills Court. The driveway to the north currently provides access to three residential buildings and the existing leasing/community building. As a part of the proposed project, this driveway would be extended south to serve the new residential buildings and connect to the south driveway, providing residents with two routes to access the project site. It is anticipated that the north driveway would serve approximately 7 AM peak hour trips and 9 PM peak hour trips, while the south driveway would serve approximately 13 AM peak hour trips and 16 PM peak hour trips.

Based on field observations, traffic at the site driveways was relatively light during the peak periods. It is anticipated that even with implementation of the proposed project, vehicles entering and exiting the site driveways would experience minimal delays and vehicle queues would rarely exceed one or two vehicles. The north and south driveways on Sunnyhills Court have throat depth of approximately 25 feet (or one vehicle) and 60 feet (or two vehicles), respectively, beyond which vehicle queues exiting the driveway would block accesses to the adjacent covered carports. However, the vehicles queuing at these locations would mostly be brief and the onsite queues would generally not interfere with traffic operations on Sunnyhills Court.

Multiple feeder driveways, serving existing residential buildings within the complex, are located on both sides of Sunnyhills Court. The north driveway does not align with the two existing driveways on the opposite side of Sunnyhills Court, but are both offset about 50 feet to the left and to the right, respectively. There is also another existing driveway beside the north driveway on Sunnyhills Court

[54] California, State of. 2018. Governor's Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts in CEQA.* December.

about 200 feet to the north. The spacing of the site driveway, and its location relative to existing driveways, are acceptable given the relatively low traffic volumes at the nearby driveways and Sunnyhills Court.

The corner sight distance at the project driveways was checked in the field and determined to be adequate. There are also multiple existing speed bumps spaced about 150 feet each on Sunnyhills Court which function as traffic calming devices that would slow down vehicular speeds. The slower vehicular speeds allow for shorter corner sight distance at the driveways. However, final design of the proposed project could result in shorter sight distances. Mitigation Measure TRA-1, described below, would reduce this impact to a less-than-significant level.

Mitigation Measure TRA-1: Prior to final design, the placement of any landscaping, monuments, signs, and on-street parking zones within the sight triangles of the site driveways shall be reviewed and approved by Public Works staff to ensure adequate corner sight distance is provided.

As part of the proposed project improvements, the existing cul-de-sac knuckle on Sunnyhills Court would be removed and the area reclaimed to accommodate the new community/leasing building. Currently, a few vehicles utilize the cul-de-sac for on-street parking and U-turn maneuvers since the roadway width of Sunnyhills Court does not accommodate U-turn movements. Based on field observations, there are between four and seven U-turn movements made during the AM and PM peak periods (about one U-turn every eight minutes max). The U-turns were mostly associated with vehicles parked on-street and at the cul-de-sac leaving and arriving at the apartment complex. It is anticipated that with the removal of the cul-de-sac, vehicles that typically make U-turns at the cul-de-sac during current conditions would use the project internal drive aisle loop to turn around within the apartment complex. In addition, because both ends of Sunnyhills Court provide good connectivity with Dixon Road and Milpitas Boulevard with full all-movement access, trucks and vehicles can effectively use either of these two access points and negate the need for U-turns.

With development of the proposed project, upon entering from Sunnyhills Court at the north driveway, vehicles would travel on the existing drive aisle that leads through some of the existing apartment buildings. After passing through the existing buildings, vehicles would make a 90-degree right turn and enter a new drive aisle for the proposed buildings. On both sides of the new drive aisle would be carports which would follow a standard 90-degree parking layout, serving the 44 new residential units. The width of the drive aisle would be 24 feet which meets the City's standards for 90-degree parking. The dimensions of the parking spaces would be 9 feet by 18 feet which meets the minimum City standards. After passing through the carports, the drive aisle would make two 90-degree right turns until it connects with another existing drive aisle which ties to the south driveway and exit back to Sunnyhills Court, completing a loop around the project parking area. The proposed project would not include any dead-end aisles.

Pedestrian access to the project site is provided at locations along the frontage on Sunnyhills Court. The proposed project would include walking paths connecting the townhouse units and carports with the existing sidewalks on Sunnyhills Court. Overall, the network of onsite pedestrian paths and existing sidewalks on the project frontages provide adequate access to the existing sidewalk network in the project vicinity.

The proposed project would include a trash collection area located adjacent to drive aisle at the north end of the parking area near to the north driveway. This location allows for efficient circulation of garbage trucks in and out of the project site. Garbage trucks and emergency vehicles could be accommodated onsite as demonstrated on the project site plans. The site plan does not show a designated loading area for delivery trucks.

Given the above, and with implementation of Mitigation Measure TRA-1, impacts associated with design hazards and site access would be less than significant. However, the TOA included a number of recommendations to further improve site access and circulation. Therefore, it is recommended that the following measures be included as conditions of approval.

Project-Specific Condition of Approval TRA-1: The proposed project should incorporate the following design measures:

- The project applicant should install ADA-compliant curb ramps at the existing north and south driveways.
- The project applicant should install yellow centerline stripes at the 90-degree turns on the drive aisle in order to enhance safety of internal two-way traffic flow.
- The project applicant should install a striped crosswalk to provide safe crossing for pedestrians using the accessible parking spaces located on the eastern side of the proposed carports.
- The project applicant should indicate where loading locations for delivery trucks would occur on the site plan.

d. Would the project result in inadequate emergency access? ***(Less-Than-Significant Impact)***

The design, construction, and maintenance of project access locations and on-site roads would be in compliance with the City's Municipal Code and would meet all emergency access standards. The Milpitas Fire Department would also review the proposed site plan and Fire Access Plan and would provide input on final design in relation to emergency access prior to issuance of a building permit. As noted in Section 4.17.c, the proposed project would be able to accommodate emergency vehicles. Additionally, as noted in Section 4.17.a, the proposed project would not result in a significant increase in the amount of traffic volume on the local roadway network. Therefore, the project would have a less-than-significant impact on emergency access.

4.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	☐	☐	☒	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. ***(Less-Than-Significant Impact)***

Assembly Bill 52 (AB 52), which became law on January 1, 2015, provides for consultation with California Native American tribes during the CEQA environmental review process, and equates significant impacts to "tribal cultural resources" with significant environmental impacts. Public Resources Code (PRC) Section 21074 states that "tribal cultural resources" are:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are one of the following:
    - Included or determined to be eligible for inclusion in the California Register of Historical Resources.

- Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

A "historical resource" (PRC Section 21084.1), a "unique archaeological resource" (PRC Section 21083.2(g)), or a "nonunique archaeological resource" (PRC Section 21083.2 (h)) may also be a tribal cultural resource if it is included or determined to be eligible for inclusion in the California Register.

The consultation provisions of the law require that a public agency consult with local Native American tribes that have requested placement on that agency's notification list for CEQA projects. Within 14 days of determining that a project application is complete, or a decision by a public agency to undertake a project, the lead agency must notify tribes of the opportunity to consult on the project, should a tribe have previously requested to be on the agency's notification list. California Native American tribes must be recognized by the California Native American Heritage Commission as traditionally and culturally affiliated with the project site, and must have previously requested that the lead agency notify them of projects. Tribes have 30 days following notification of a project to request consultation with the lead agency.

The purpose of consultation is to inform the lead agency in its identification and determination of the significance of tribal cultural resources. If a project is determined to result in a significant impact on an identified tribal cultural resource, the consultation process must occur and conclude prior to adoption of a Negative Declaration or Mitigated Negative Declaration, or certification of an Environmental Impact Report (PRC Sections 21080.3.1, 21080.3.2, 21082.3).

The City sent letters describing the project and maps depicting the project site via certified mail on July 24, 2020, to Native American contacts that had previously requested to be contacted by the City for potential consultation pursuant to AB 52. The City did not receive any requests for consultation during the 30-day notification period. Therefore, the City considers the AB 52 consultation process to be concluded.

As discussed in Section 4.5, Cultural Resources, of this Initial Study, the NWIC records search and the archaeological survey completed for the project did not identify evidence of Native American archaeological deposits or ancestral remains. The proposed project would have no impact on known tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources, nor has the City identified a tribal cultural resource at the project site. With implementation of Mitigation Measure CUL-1, potential construction-period discovery of previously unidentified human remains, which may be of tribal origin, would be reduced to a less-than-significant level.

4.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. 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?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

*a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? **(Less-Than-Significant Impact)***

The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line that generally runs along the southern border of the project site and 4-inch lines that generally run throughout the project site. The proposed project includes the installation of a new 4-inch line that would be installed within the drive aisle adjacent to Building F and within Sunnyhills Court that would connect to the City's existing line. The new sanitary sewer line would be constructed in conformance with City standards, and its construction would not cause significant environmental effects.

The City's potable water supply is provided by the San Francisco Public Utilities Commission (SFPUC) and the SCVWD.[55] The project site is served by water provided by the SCVWD. Water distribution infrastructure within the project site is owned and maintained by the property owner. The City's potable water system has 245 miles of water mains, 5 water tanks, 5 pump stations, 16 pressure regulating valves, an emergency supply well and emergency interties. The City also operates and maintains a recycled water system owned by the City of San José South Bay Water Recycling (SBWR)

[55] Milpitas, City of, 2016. *2015 Urban Water Management Plan*. Available online at: www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf (accessed June 2020). June.

program.[56] The current SCVWD water supply delivered to the City is limited to surface water largely purchased by SCVWD from the State Water Project and Central Valley Project, however, SCVWD's overall water supply comes from a variety of sources. Specifically, nearly half of SCVWD's water comes from local groundwater aquifers and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta.

The City updated its Urban Water Management Plan (UWMP) in 2015, which was adopted in 2016. According to the UWMP, the annual water use in 2015 was 8,774 acre-feet. As discussed in Section 4.19.b, the proposed project would not substantially increase demand for water and would therefore not exceed the capacity of existing water treatment facilities. The proposed project would not require the construction of new water treatment facilities, or the expansion of existing facilities, other than those already planned as part of the City's Water Master Plan. The proposed project would include the installation of new water lines connecting to the existing 8-inch water service line located within Sunnyhills Court. The proposed project would connect directly to existing mains, which have sufficient capacity to accommodate the proposed project. Therefore, the impact of the proposed project on water infrastructure would be less than significant.

The proposed storm drainage infrastructure would include catch basins and new 6- to 8-inch stormwater drains throughout the project site. Bioretention areas would also be incorporated into the landscape design of the proposed project to provide appropriate vegetation and water quality treatment in vegetated areas. In addition, on-site drainage would be designed consistent with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development (LID). Therefore, the impact of the proposed project on stormwater infrastructure would be less than significant.

Each of the buildings included in the proposed project would include connections to the existing electricity and telecommunications lines that currently run through the project site. Additionally, the new leasing and community building would include a natural gas connection.

Therefore, because the proposed project would connect to existing utility services within or adjacent to the project site, the relocation or reconstruction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities would not be required, and this impact would be less than significant.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? ***(Less-Than-Significant Impact)***

As noted above, the City of Milpitas provides water to the project site, and on-site distribution infrastructure is owned and maintained by the property owner. Currently, the source of domestic water used in Milpitas includes the SFPUC and SCVWD. SFPUC water is primarily used for residential areas in the City and the SCVWD water is used to supply industrial areas, including the project site.

[56] Ibid.

The City's 2016 UWMP describes the existing and planned sources of water available in the water system service area over the next 20 years, in 5-year increments.

The City has determined that existing water supply entitlements are sufficient and no additional water supply entitlements are necessary. The UWMP, which identifies water system improvements necessary to meet future water demand, did not identify any deficiencies in the vicinity of the project site. The existing water system infrastructure has adequate capacity to serve the proposed project. In addition, the proposed project would be required to use recycled water to the maximum extent feasible and coordinate with the City of Milpitas Fire Department to assess fire flow requirements and comply with them as part of the project. Based on the above, the City would have sufficient water supply to support the proposed project and implementation of the project would not require new or expanded entitlements for water supplies, and impacts related to water supply would be less than significant.

c. Would the project 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? ***(Less-Than-Significant Impact)***

The City of Milpitas owns and operates its municipal wastewater collection system containing of 175 miles of gravity pipe and 5 miles of force main. The system also includes two pump stations: the Venus Station which lifts wastewater from the low-lying Pines neighborhood and the Main Sewer Pump Station which pumps all City sewage through dual 2.5 mile force mains to the San José /Santa Clara Pollution Control Plant (WPCP) located in San José at 700 Los Esteros Road for treatment.[57] The WPCP treats an average of 110 million gallons of wastewater per day (mgd), about 65 percent of its 167 mgd capacity, which includes service to the project site.[58]

The proposed project would generate domestic wastewater, treated by the WPCP. The City has sufficient capacity to serve the proposed project. The City requires project applicants to complete sewer system modeling to demonstrate adequate conveyance capacity based on the current discharge allocation, and this would need to be completed prior to project approval. The sewer demand calculations (available in Appendix K) prepared for the proposed project show that each of the three connections proposed would have sufficient capacity to serve the proposed project.[59] Therefore, wastewater generated from the proposed project would not cause the WPCP to violate any wastewater treatment requirements and this impact would be less than significant.

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ***(Less-Than-Significant Impact)***

Solid waste and recycling pickup and disposal in the City of Milpitas is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility which is located

57 Milpitas, City of, 2016. *Sewer System Management Plan 2016 Update*. June.

58 San José, City of, 2016. *San* José -*Santa Clara Regional Wastewater Facility Fact Sheet*. Website: https://www.sanjoseca.gov/home/showdocument?id=32061 (accessed June 2020). April 25.

59 SANDIS, 2019. *Re: Sunnyhills Development – Sewer Demand Calculations*. June 20.

approximately 3 miles west of the project site on Dixon Landing Road. The facility recycled materials, operates a construction and demolition material processing facility, and a landfill that accepts industrial wastes, grit, screenings, wastewater treatment sludge, contaminated soils, clean soils, and municipal solid waste.[60] The Newby Island Landfill has a capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards, and can accept 4,000 tons per day.[61]

On average, multi-family residential uses generate approximately 12.23 pounds per day of solid waste per household. Based on these rates, the proposed residential use would generate approximately 244 pounds per day of solid waste. As noted above, the Newby Island Landfill has adequate capacity to serve the proposed project. As such, the project would be served by a landfill with sufficient capacity to accommodate the project's waste disposal needs, and impacts associated with the disposition of solid waste would be less than significant.

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ***(Less-Than-Significant Impact)***

The proposed project would comply with all federal, State, and local solid waste statutes and/or regulations related to solid waste. Also refer to Section 4.19.d. Therefore, the proposed project would result in a less-than-significant impact related to solid waste regulations.

60 Republic Services, 2017. Newby Island Resource Recovery Park. Website: https://www.republicservices.com/municipality/newby-island (accessed June 2020).

61 CalRecycle, 2019. SWIS Facility Detail. Newby Island Sanitary Landfill (43-AN-0003). Website: https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003 (accessed June 2020).

4.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? ***(Less-Than-Significant Impact)***

The project site is not located within any State responsibility areas (SRA) for fire service,[62] and is not within a very high fire hazard severity zone.[63] In addition, as noted in Section 4.9.f, the proposed project would not impair the implementation of, or physically interfere with, and adopted emergency response plan. Therefore, this impact would be less than significant.

b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ***(Less-Than-Significant Impact)***

Refer to Section 4.20.a. Additionally, as noted in Section 2.0, Project Description, the project is generally level, and is bound by existing development on all sides. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and this impact would be less than significant.

62 California, State of, 2007. Santa Clara County Fire Hazard Severity Zones in SRA (map). Available at: https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf (accessed June 2020). November 7.

63 Milpitas, City of, 2018, op. cit.

c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ***(Less-Than-Significant Impact)***

Refer to Section 4.20.a. The proposed project is not located within an SRA for fire service and is not within a very high fire hazard severity zone. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure, and this impact would be less than significant.

d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ***(Less-Than-Significant Impact)***

Refer to Section 4.20.a and 4.20.b. The project site is generally level and is not located within an SRA for fire service or a very high fire hazard severity zone. Therefore, the proposed project would not expose people or structures to significant risks as a result of post-fire slope instability or drainage and runoff changes.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. 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.)	☐	☒	☐	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

a. Does the project have the potential to substantially 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, substantially 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? ***(Less Than Significant with Mitigation Incorporated)***

Implementation of Mitigation Measures CUL-1 and GEO-1 would ensure that potential impacts to historic, archaeological, tribal and paleontological resources that could be uncovered during construction activities would be reduced to a less-than-significant level. Implementation of Mitigation Measure BIO-1 would ensure that potential impacts to nesting birds are reduced to a less-than-significant level. Therefore, with the incorporation of mitigation measures, development of the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce the habitat of a fish or wildlife species; 3) cause a fish or wildlife species population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history.

b. 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)? ***(Less Than Significant with Mitigation Incorporated)***

The proposed project's impacts would be individually limited and not cumulatively considerable. The potentially significant impacts that can be reduced to a less-than-significant level with implementation of recommended mitigation measures include the topics of aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality, and noise. These impacts would primarily be related to construction-period activities, would be temporary in nature, and would not substantially contribute to any potential cumulative impacts associated with these topics. For the topic of aesthetics, potentially significant light and glare impacts would be reduced to less-than-significant levels with implementation of Mitigation Measure AES-1. For the topic of air quality, potentially significant impacts to air quality standards associated with project construction would be reduced to less-than-significant levels with implementation of Mitigation Measure AIR-1. For the topic of biological resources, implementation of Mitigation Measure BIO-1 would ensure that impacts to special status-species are reduced to a less-than-significant level. For the topic of cultural resources, potentially significant impacts to archaeological and tribal cultural resources would be reduced to less-than-significant levels with implementation of Mitigation Measure CUL-1. For the topic of geology and soils, potentially significant impacts related to paleontological resources would be reduced to less-than-significant levels with implementation of Mitigation Measure GEO-1. For the topic of hazards and hazardous materials, implementation of Mitigation Measure HAZ-1 and HAZ-2 would ensure that potential impacts associated with the release of hazardous materials, which could in turn degrade the quality of the environment, would be reduced to a less-than-significant level. For the topic of hydrology and water quality, implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that potential water quality impacts are reduced to a less-than-significant level. For the topic of transportation, potentially significant impacts related to site access and circulation would be reduced to a less-than-significant impact with implementation of Mitigation Measure TRA-1.

For the topics of agricultural and forestry resources, greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire, the project would have no impacts or less-than-significant impacts, and therefore, the project would not substantially contribute to any potential cumulative impacts for these topics. All environmental impacts that could occur as a result of the proposed project would be reduced to a less-than-significant level through the implementation of the mitigation measures recommended in this document.

Implementation of these measures would ensure that the impacts of the project would be below established thresholds of significance and that these impacts would not combine with the impacts of other cumulative projects to result in a cumulatively considerable impact on the environment as a result of project development. Therefore, this impact would be less than significant.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ***(No Impact)***

The proposed project would not result in any environmental effects that would cause substantial direct or indirect adverse effects to human beings.

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6.0 REFERENCES

Association of Bay Area Governments and Metropolitan Transportation Commission, 2013. *Plan Bay Area.* July 18.

Association of Bay Area Governments and Metropolitan Transportation Commission, 2017. *Projections 2040*. Website: projections.planbayarea.org (accessed June 2020).

BASELINE Environmental Consulting, 2020. *Phase I Environmental Site Assessment, 1724 Sunnyhills Court Project, Milpitas, California.* May 28.

Bay Area Air Quality Management District, 2017. Clean Air Plan. April 19.

Bay Area Tree Specialists, 2018. *Arborist Report prepared for Sunnyhills Investors, LLC*. June 1.

California Air Resources Board. 2017. *California's 2017 Climate Change Scoping Plan*. November.

California Department of Conservation, 2016. Division of Land Use Resource Protection. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/ (accessed April 2020).

California Department of Forestry and Fire Protection, 2008. Santa Clara County, Very High Fire Hazard Severity Zones in Local Responsibility Area. October 8.

California Department of Transportation, 2013. *Caltrans Transportation and Construction Vibration Guidance Manual*. September.

California Energy Commission. 2017. California Gasoline Data, Facts, and Statistics. Available online at: http://www.energy.ca.gov/almanac/transportation_data/gasoline/ (accessed May 2020).

California Energy Commission. 2017. Energy Consumption Data Management Service. Electricity Consumption by County. Available online at: http://www.ecdms.energy.ca.gov /elecbycounty.aspx. (accessed May 2020).

California Energy Commission. 2017. Energy Consumption Data Management Service. Gas Consumption by County. Available online at: http://www.ecdms.energy.ca.gov/ gasbycounty.aspx. (accessed May 2020).

California Geological Survey, 2019. Earthquake Zones of Required Investigation (map). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed May 2020).

CalRecycle, 2019. SWIS Facility Detail. Newby Island Sanitary Landfill (43-AN-0003). Website: https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003 (accessed June 2020).

California State Mining and Geology Board, 2014. Surface Mining Reclamation Act Regulations. California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

California, State of, 2007. Santa Clara County Fire Hazard Severity Zones in SRA (map). Available at: https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf (accessed June 2020). November 7.

California, State of, 2009. *California Emergency Management Agency. Tsunami Inundation Map for Emergency Planning: Milpitas Quadrangle.* July 31.

California, State of, 2011. Department of Transportation. Scenic Highways. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed April 2020).

Federal Emergency Management Agency, 2014. FEMA Flood Map Service Center (map). Website: https://msc.fema.gov/portal/search?AddressQuery=1724%20Sunnyhills%20Court%2C%20Milpitas#searchresultsanchor (accessed May 2020).

Federal Transit Administration, 2018. Office of Planning and Environment. *Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06*. September.

Hexagon Transportation Consultants, Inc., 2020. *Traffic Operations Analysis Report for the 1724 Sunnyhills Court Townhouse Project.* May 28.

ICF International. 2012. *Final Santa Clara Valley Habitat Plan*. Website: https://www.scv-habitatagency.org/DocumentCenter/View/123/Chapter-1-Introduction (accessed May 2020). August

Milpitas, City of, 2007. *City of Milpitas Traffic Volumes Map.* Available online at: http://www.ci.milpitas.ca.gov/_pdfs/trans_traffic_volume_map.pdf (accessed May 2020).

Milpitas, City of, 2012. General Plan Land Use Map, Figure 2-1. Available online at: www.ci.milpitas.ca.gov/_pdfs/plans_map_general_plan_land_use.pdf

Milpitas, City of, 2013. *City of Milpitas Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 7.

Milpitas, City of, 2015.General Plan Open Space & Environmental Conservation Element. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter4.pdf (accessed May 2020).

Milpitas, City of, 2015. Zoning Map. January.

Milpitas, City of, 2016. 2015 Urban Water Management Plan. Available online at: www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf (accessed June 2020).

Republic Services, 2017. Newby Island Resource Recovery Park. Website: https://www.republicservices.com/municipality/newby-island (accessed June 2020).

SANDIS, 2019. *Re: Sunnyhills Development – Sewer Demand Calculations*. June 20.

San José, City of, 2016. *San* José -*Santa Clara Regional Wastewater Facility Fact Sheet*. Website: https://www.sanjoseca.gov/home/showdocument?id=32061 (accessed June 2020). April 25.

Milpitas, City of, 2016. Sewer System Management Plan 2016 Update. June.

Milpitas, City of, 2018. Milpitas General Plan Update Existing Conditions Report. June.

Milpitas, City of, 2019. Milpitas Economic Development. Website: www2.ci.milpitas.ca.gov/economicdev (accessed June 2020).

Milpitas, City of, 2019. Milpitas Municipal Code. Section XI-1-9.05. June 11.

Milpitas, City of, 2020. Milpitas Municipal Code. Chapter 213.

Milpitas Unified School District, 2018. Website: www.musd.org/about.html (accessed April 3, 2019).

Santa Clara County Airport Land Use Commission, 2016. *Comprehensive Land Use Plan for Norman Y Mineta San José International Airport.* November 16.

Santa Clara, County of, 2017. *Emergency Operations Plan*. January.

Silicon Valley Soil Engineering, 2018. *Geotechnical Investigation for Proposed Townhomes, 1724 Sunnyhills Drive, Milpitas, California.* May 8.

University of California Museum of Paleontology. *Databases.* Website: https://ucmp.berkeley.edu/collections/databases/ (accessed May 2020).

U.S. Department of Transportation. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23/ (accessed May 2020).

United States Environmental Protection Agency (EPA). 1978. Protective Noise Levels, Condensed Version of EPA Levels Document, EPA 550/9-79-100. November.

U.S. Fish and Wildlife Service, 2020. National Wetlands Inventory (Map). Website: https://www.fws.gov/wetlands/data/mapper.HTML (accessed May 2020).

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