

Attachment B

**General Plan Update CEQA Findings and
Statement of Overriding Considerations**

RESOLUTION NO. 9047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE MILPITAS 2040 GENERAL PLAN FINAL ENVIROMENTAL IMPACT REPORT (SCH#: 2020070348), ADOPTING THE FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION, AND ADOPTING THE MILPITAS 2040 GENERAL PLAN

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65300 et seq. requires each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, the City’s General Plan was last comprehensively updated in 1994 and subsequently amended in January 2002 with adoption of the Midtown Specific Plan, in June 2008 with adoption of the Transit Area Specific Plan (“TASP”), and in October 2010 with adoption of the City’s Park and Recreation Master Plan and Milpitas Bikeway Master Plan as well as to provide other updates to exhibits, tables, and figures; and

WHEREAS, in September 2016, the City initiated a multi-year process to comprehensively update the General Plan by approving a work plan and schedule, hiring consultants, and conducting public workshops; and

WHEREAS, the City Council appointed a General Plan Advisory Committee (“GPAC”) comprised of residents, homeowners association representatives, business leaders, and representatives from the local school district, among others, to collaborate with City staff and the consultant team throughout development of the General plan; and

WHEREAS, the GPAC held a total of 13 public meetings between March 2017 and September 2020 to identify key issues and challenges that Milpitas may face over the next 20 years, refine the City’s Land Use Map, and to develop a comprehensive set of goals and policies contained in the General Plan; and

WHEREAS, the City Council and Planning Commission received periodic briefings from City staff and the consultant team to review input and receive information relevant to the specific topics addressed at the GPAC meetings, and to provide direction and guidance to staff and the consultant team regarding land use opportunity areas and development of the preferred land use map; and

WHEREAS, in accordance with Government Code Section 65302, a comprehensive update to the City’s General Plan has been prepared to address the mandatory elements required by state law, and also includes optional elements for Community Design, Economic Development, Utilities and Community Services, Community Health and Wellness, and Implementation; and

WHEREAS, the 2040 General Plan includes goals, policies, and actions regarding each of these General Plan elements; and

WHEREAS, the 2040 General Plan carries forward some of the major goals of the 1994 General Plan but has been substantially updated to address current local conditions, community priorities; and

WHEREAS, the “Planning Area” for the 2040 General Plan is defined as the entire area within the City’s Sphere of Influence (“SOI”), which includes the City limits and the Urban Growth Boundary/Urban Service Area (“UGB/USA”); and

WHEREAS, the 2040 General Plan is a citywide document that provides an integrated and internally consistent statement of the official land use policy for the City of Milpitas; and

WHEREAS, the City's Housing Element is a mandatory general plan element that was previously adopted in 2015 to cover the 2015-2023 housing cycle and was certified by the California Department of Housing and Community Development ("HCD") in 2015; and

WHEREAS, the City has initiated a separate effort to update the Housing Element to cover the 2023-2031 housing cycle; and

WHEREAS, the City sent the draft 2040 General Plan to affected public entities and agencies in compliance with State law (Government Code Sections 65302(g)(7), 65302.5, 65302.7, 65352, 65352(a)(9) and Public Utilities Code Section 21676), and in accordance with Government Code Sections 65352.3 contacted California Native American tribes that are on the contact list maintained by the Native America heritage Commission to invite those tribes to consult on the proposed Draft 2040 General Plan; and

WHEREAS, the City released the Public Review Draft 2040 General Plan in August 2020 and invited comments by the public from August 25, 2020 through October 30, 2020; and

WHEREAS, the City prepared a Draft Environmental Impact Report ("EIR") (SCH#: 2020050348) for the Public Review Draft 2040 General Plan that provides a description of potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level, where feasible, and released the Draft EIR on November 2, 2020 for a 45-day public review period that ended on December 17, 2020; and

WHEREAS, the City received comments on both the Public Review Draft 2040 General Plan and the Draft EIR, considered and analyzed the comments, and made changes to the EIR and Draft 2040 General Plan as a result of the comments received and incorporated the comments and responses to comments on the Draft EIR in the Final EIR and included comments and responses to comments on the Draft 2040 General Plan as a separate document for the public and decisionmakers to review as part of the Planning Commission public hearing process; and

WHEREAS, comments on the Draft 2040 General Plan received from the public were presented and revisions proposed for City Council consideration as part of the March 9, 2021 City Council staff report; and

WHEREAS, on January 27, 2021, the City of Milpitas Planning Commission held a duly noticed public hearing by teleconference on the EIR and the Draft 2040 General Plan, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, on January 27, 2021, the City of Milpitas Planning Commission adopted Resolution 201-01 recommending that the City Council certify the Milpitas 2040 General Plan Final Environmental Impact Report ("FEIR") (SCH#: 2020070348), and adopt the Milpitas 2040 General Plan; and

WHEREAS, on March 9, 2021, the City of Milpitas City Council held a duly noticed public hearing by teleconference on the EIR, the Findings of Fact and a Statement of Overriding Consideration, and the Draft 2040 General Plan, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, the environmental impacts identified in the EIR that the City finds are of no impact or constitute a less than significant impact and do not require mitigation are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the City finds cannot be mitigated to a level of less than significant, despite the imposition of feasible mitigation measures identified in the EIR and set forth herein are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the significant and irreversible environmental changes that would result from the proposed Project, but which would be largely mitigated, and which are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, alternatives to the proposed Project that might eliminate or reduce significant environmental impacts are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the City Council has determined that the benefits of the Project outweigh its potential significant environmental impact, and the basis for that determination is set forth in the Statement of Overriding Considerations attached hereto as **Exhibit A**; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation under Public Resources Code section 21092.1 and State California Environmental Quality Act ("CEQA") Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

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

SECTION 1. Recitals

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

SECTION 2. Resolution Regarding Custodian of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.

SECTION 3. City Council Action - Certifying the EIR

The City Council finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the City Council.

The City Council declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 have been received by the City Council after circulation of the Draft EIR which would require recirculation.

Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 4. City Council Action - Adopting the Findings of Fact and a Statement of Overriding Consideration

The City Council finds that it has been presented with the Findings of Fact and a Statement of Overriding Consideration attached as Exhibit A hereto, which it has reviewed and considered, and hereby adopts based on the entirety of the record of proceedings.

SECTION 5. City Council Action - Adopting the Milpitas 2040 General Plan

The City Council hereby adopts the Milpitas 2040 General Plan based on the entirety of the record of proceedings.

SECTION 6. Notice of Determination

A Notice of Determination shall be filed with the County of Santa Clara and the State Clearinghouse within 5 (five) working days of final Project approval.

PASSED AND ADOPTED this 9th day of March 2021, by the following vote:

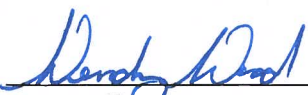
AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None


ABSTAIN: (0) None

ATTEST:




Wendy Wood, City Clerk

APPROVED:



Rich Tran, Mayor

APPROVED AS TO FORM:



Christopher J. Diaz, City Attorney

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE

MILPITAS GENERAL PLAN UPDATE

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires the City of Milpitas (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the General Plan Update (General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, any comments on the Draft EIR, responses to comments on the Draft EIR, and any revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative, the Modified Project Alternative, and the Increased Residential Density Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the

overriding considerations, which in this Council's view, justify approval of the General Plan, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

A. Project Background

In 2016, the City of Milpitas embarked on multi-year process to update the City's General Plan. The General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community design, and other policy decisions. State law requires every city and county in California to prepare and maintain a general plan planning document. The General Plan is the City's "constitution" or "blueprint" for future development of the city, and provides the policy guidance for achieving the community's vision.

As part of the General Plan Update process, a General Plan Existing Conditions Report was prepared to establish a baseline of existing conditions in the city. Additionally, Issues and Opportunities memos, and a Land Use Alternatives Report were prepared to identify the challenges facing the community, to provide an opportunity for citizens and policymakers to come together in a process of developing a common vision for the future, and to identify a range of land use options available to the City as the General Plan Land Use Map was modified and updated.

The updated Milpitas General Plan includes a framework of goals, policies, and actions that will guide the community toward its common vision, and is supported by an updated General Plan Land Use Map.

B. Procedural Background

The City of Milpitas circulated a Notice of Preparation (NOP) of an EIR for the proposed project on July 17, 2020 to responsible and trustee agencies, the State Clearinghouse, and the public. A virtual public scoping meeting was held on August 11, 2020 at 11:00 a.m., to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR (six comment letters were received).

The City published a public Notice of Availability (NOA) for the Draft EIR on November 2, 2020 thereby soliciting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2020070348) and the County Clerk, and was published in a regional newspaper pursuant to the public noticing

requirements of CEQA. The Draft EIR was available for a 45-day public review period extending from November 2, 2020 to December 17, 2020. The Draft EIR contains a description of the project, descriptions of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies environmental subject areas for which the City determined that there would be no impacts or less than significant impacts, and provides detailed analysis of potentially significant and significant impacts. The City of Milpitas received zero (0) comment letters during the Draft EIR public review period. The City then prepared the Final EIR, which incorporates the Draft EIR by reference.

C. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to Milpitas General Plan Update EIR.
- The Milpitas General Plan Update Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Milpitas and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Milpitas Office of the City Clerk at 455 East Calaveras Blvd. Milpitas, CA 95035.

D. Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was

completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

E. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Milpitas General Plan, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

The City Council hereby finds that the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. Noise

1. General Plan implementation may result in exposure to significant traffic noise sources (EIR Impact 3.12-1)

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.12-22 through 3.12-27 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
 - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-22 through 3.12-27 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management

practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant traffic noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.
- (d) **Explanation.** Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. As indicated by Draft EIR Table 3.12-12, the related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. General Plan Policies N 1-1 through N 1-7, N 1-9, N 1-10 and Actions N 1a, N 1b, N 1e, N 1f, N 1g, N 1h, 1i, and 1k, are intended to minimize exposure to excessive noise, including noise associated with traffic. Specifically, Policies N 1-1 and N 1-2 support noise-compatible land uses in the vicinity of traffic noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1 and N-2. The proposed General Plan standards required under Policy N 1-1 and N 1-2, for exposure to traffic noise shown in Table 3.12-12, meet or exceed the noise level standards of the adopted General Plan shown in Draft EIR Table 3.12-8. Policy N 1-2 and Actions N 1a and N 1b would ensure that new development minimizes potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels. Policy N 1-6 sets criteria for evaluating future increases in traffic noise levels. Action N 1i and N 1k would ensure that the Municipal Code, including the updated noise ordinance, is consistent with the noise standards established in the General Plan. Action N 1e would encourage working with Caltrans to ensure that adequate noise studies are prepared and that noise mitigation measures are considered in State transportation projects. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating

features. However, as shown in Table 3.12-12, the traffic noise increases associated with the proposed General Plan would still exceed the applicable noise exposure criteria. Therefore, the proposed General Plan would have a significant and unavoidable impact relative to traffic noise on existing noise-sensitive uses in the City.

B. Transportation and Circulation

1. General Plan implementation would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a). (EIR Impact 3.14-2)

- (a) **Potential Impact.** The potential for the Project to conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a) is discussed at pages 3.14-34 through 3.14-36 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.14-34 through 3.14-36 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including land use patterns and intensities, as well as its proposed policies, which include a multitude of components that will reduce VMT. Individual development projects will be required to complete VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. This

would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with potential for the Project to conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a).

(d) **Explanation.** The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, the VMT impacts associated with employment-based uses allowed by the proposed General Plan would be considered significant and unavoidable. The General Plan includes policies to reduce VMT to the extent feasible. These policies primarily reduce employment-based VMT, where the significant impacts would occur, although some policies pertain to residential VMT as well. Transportation demand management (TDM) strategies would be promoted citywide, with an emphasis on implementing measures through large employers, the setting where there is the greatest potential to reduce vehicle trips.

C. Cumulative Impacts

1. General Plan implementation may result in cumulative noise impacts (EIR Impact 4.12)

- (a) **Potential Impact.** The potential for the Project to result in cumulative noise impacts is discussed at pages 4.0-16 through 4.0-17 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 4.0-16 through 4.0-17 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant cumulative noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.
- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative noise sources.
- (d) **Explanation.** Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. As indicated by Draft EIR Table 3.12-12, the related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. General Plan Policies N 1-1 through N 1-7, N 1-9, N 1-10 and Actions N 1a, N 1b, N 1e, N 1f, N 1g, N 1h, 1i, and 1k, are intended to minimize exposure to excessive noise, including noise associated with traffic. Specifically, Policies N 1-1 and N 1-2 support noise-compatible land uses in the vicinity of traffic noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1 and N-2. The proposed General Plan standards required under Policy N 1-1 and N 1-2, for exposure to traffic noise shown in Table 3.12-12, meet or exceed the noise level standards of the adopted General Plan shown in Table 3.12-8. Policy N 1-2 and Actions N 1a and N 1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels.

Policy N 1-6 sets criteria for evaluating future increases in traffic noise levels. Action N 1i and N 1k would ensure that the Municipal Code, including the updated noise ordinance, is consistent with the noise standards established in the General Plan. Action N 1e would encourage working with Caltrans to ensure that adequate noise studies are prepared and that noise mitigation measures are considered in State transportation projects. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating features. As shown in Table 3.12-12, the traffic noise increases associated with the proposed General Plan exceed the applicable noise exposure criteria. Therefore, the proposed General Plan would have a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the City.

2. Transportation and Circulation - Cumulative impacts on the transportation network (EIR Impact 4.14)

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impacts on the transportation network is discussed at pages 4.0-18 and 4.0-19 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-18 and 4.0-19 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed

to reach the applied significance threshold. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with Cumulative impacts on the transportation network.
- (d) **Explanation.** The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, this is considered a cumulatively considerable and significant and unavoidable impact.

D. Significant Irreversible Effects

1. Irreversible Effects (EIR Impact 4.17)

Sections 15126(c) and 15126.2(d) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

- (a) **Potential Impact.** The potential for the Project to result in a significant irreversible effect associated with the consumption of nonrenewable resources and irretrievable commitments/irreversible physical changes is discussed at pages 4.0-26 and 4.0-27 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-26 and 4.0-27 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. One of the objectives of the proposed General Plan is to conserve natural resources within the Planning Area. Many of these policies and actions, aimed at preserving natural resources, are contained within the Conservation and Sustainability Element, and have been identified throughout the Draft EIR. Additionally, the General Plan directs most new development to infill areas, and areas surrounding existing neighborhoods and urbanized areas. As a result, the General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area including biological resources, water resources, and energy resources, to the greatest extent feasible. The proposed General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible, while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the proposed General Plan will result in significant irreversible changes. Implementation of the proposed General Plan would result in a commitment of land uses designated for the foreseeable future. Land use and development consistent with the General Plan would result in irretrievable commitments by introducing development onto sites that are presently undeveloped. The conversion of undeveloped lands to urban uses would result in an irretrievable loss of undeveloped land, wildlife habitat, and open space. Additionally, development will physically change the environment in terms of aesthetics, air emission, noise, traffic, open space, and natural resources. These physical changes are irreversible after development—occurs.—This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

- A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. **Aesthetics:** The following specific impacts were found to be less than significant:

- a. Impact 3.1-1: General Plan implementation would not have a substantial adverse effect on a scenic vista.

- (1) **Explanation.** The Milpitas General Plan has been developed to preserve expansive areas of open space within the hillsides located to the east and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape and minimizes interruption of views of nearby visual features. Future development would be required to be consistent with the proposed General Plan. The implementation of the policies and actions contained in the General Plan would ensure that new urban residential and non-residential development in the Milpitas Planning Area is located in and around existing urbanized areas and developed to be visually compatible with nearby open space resources. Additionally, the implementation of the policies and actions contained in the Community Design Element would further ensure that new development is designed in a way that enhances the visual quality of the community, compliments the visual character of the city, and that adverse effects on public views are minimized. Through implementation of the policies and actions included in the General Plan,

implementation of the proposed General Plan would result in a less than significant impact.

- b. Impact 3.1-2: General Plan implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

- (1) **Explanation.** No adopted State scenic highway is located in Milpitas. There is one officially designated scenic highway corridor in Santa Clara County: State Route 9 from the Santa Cruz County line to the Los Gatos city limits. This officially designated scenic highway corridor does not provide views of Milpitas or the immediate surrounding areas, and there are no sections of highway in the Milpitas vicinity eligible for Scenic Highway designation. Given that no adopted State scenic highways are located within the Planning Area, and that no scenic highways provide views of the Planning Area, State scenic highway impacts associated with General Plan implementation would be less than significant.

- c. Impact 3.1-3: General Plan implementation would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

- (1) **Explanation.** Zoning and other regulations governing scenic quality applicable to the City of Milpitas include the Design Guidelines and Plan Review Checklist and the City of Milpitas Master Streetscape Master Plan, and Measures I, J, and K. Policies in the proposed General Plan are intended to complement and further the intent of these provisions regulating scenic quality and resources, and any development occurring under the proposed General Plan would be subject to compliance with these guidelines, as well as the applicable regulations set forth in the Milpitas Municipal Code. The proposed General Plan would therefore not substantially degrade the existing visual character or quality of public views of the Sphere of Influence and its surroundings. Scenic quality-related impacts associated with General Plan implementation would thus be less than significant.

- d. Impact 3.1-4: General Plan implementation could result in the creation of new sources of nighttime lighting and daytime glare.

- (1) **Explanation.** Future development would be required to be consistent with the General Plan, as well as lighting and design requirements in the Milpitas Municipal Code. The proposed General Plan contains policy CD1-1 which would ensure that new

developments are designed to context sensitive to adjacent properties. Policy CD 3-1 would ensure that new development projects utilize appropriate building materials, such as window glazing, that do not result in significant increases in unusual glare. Through the implementation of these policies in conjunction with the City's municipal code during the development review process, the City can ensure that adverse impacts associated with daytime glare and nighttime lighting are less than significant.

2. Agricultural and Forest Resources: The following specific impacts were found to be less than significant:

- a. Impact 3.2-1: General Plan implementation would not result in the conversion of farmlands, including Prime Farmland and Unique Farmland, to non-agricultural use.
 - (1) **Explanation.** There are no lands within the Planning Area that are designated for agricultural use on the existing or proposed Milpitas Land Use Map. There are no agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program within the Milpitas city limits. Lands located within Santa Clara County and within the Milpitas SOI are identified by the Department of Conservation as grazing lands, and areas identified by the County as farmlands of local importance. All lands within the hillside areas and within the SOI have maintained their current land use and have not been redesignated for urban development. Therefore, General Plan implementation would result in a less than significant impact and no mitigation is required.
- b. Impact 3.2-2: General Plan implementation would not result in conflicts with existing zoning for agricultural use, or a Williamson Act contract.
 - (1) **Explanation.** There are no lands within the Milpitas Planning Area that are currently under a Williamson Act contract. As such, General Plan implementation would result in no impact to Williamson Act contracts. Further, Actions LU-1a and LU-1b call for the City to update the Zoning Map and Zoning Code to bring them into consistency with the General Plan Land Use Map and standards, following completion of the General Plan Update. Implementation of these action items would ensure consistency between the General Plan and the Zoning Code and therefore impacts would be less than significant.
- c. Impact 3.2-3: General Plan implementation would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in

Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526); or result in the loss of forest land or conversion of forest land to non-forest use.

- (1) **Explanation.** There are no forest lands or timber lands located within the Milpitas Planning Area. Therefore, General Plan implementation would result in no impacts and no mitigation is required.
 - d. Impact 3.2-4: General Plan implementation would not 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.
 - (1) **Explanation.** There are no lands within the Planning Area that are designated by the existing or proposed General Plan for agricultural uses, and there are no Important Farmlands identified by the Department of Conservation located within the Milpitas city limits. Lands located within Santa Clara County and within the Milpitas SOI are identified by the Department of Conservation as grazing lands, and areas identified by the County as farmlands of local importance. No lands within the hillside areas and within the SOI have not been re-designated by this general plan update for urban development. There are several parcels that are zoned for agricultural use; however, none are currently in active agricultural uses, and, as stated in the Milpitas Municipal Code, are assumed to be developed under the general plan designations. Therefore, General Plan implementation would result in a less than significant impact.
3. **Air Quality:** The following specific impacts were found to be less than significant:
- a. Impact 3.3-1: General Plan implementation would not conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.
 - (1) **Explanation.** The proposed project includes an extensive list of policies and actions that are specifically aimed at improving air quality. These policies and actions are consistent with the intent of the control measures in the BAAQMD's 2017 Clean Air Plan by promoting a compact urban development form, emphasizing infill development, and ensuring that land use patterns do not expose sensitive receptors to pollutant concentrations. The proposed General Plan does not cause the disruption, delay, or otherwise hinder the implementation of any quality plan control measure;

therefore, it is consistent with the 2017 Clean Air Plan. All future development and infrastructure projects within the Planning Area would be subject to General Plan goals, policies, and actions, which were adopted to reduce emissions and air quality impacts. The Planning Area is surrounded by existing urbanized uses to the south, west, and north, and is bisected by two of the most heavily-travelled highway corridors in the San Francisco Bay Area. The proposed General Plan emphasizes a compact, mixed use, transit-oriented development pattern that emphasizes alternative transportation access and multi-modal connectivity throughout the Planning Area and into the surrounding areas. Implementation of the proposed General Plan, which is consistent with all federal and state guidelines, would have a less than significant impact and would be consistent with the 2017 Clean Air Plan. Additionally, the proposed project is consistent with the current air quality plan control measures. Implementation of the proposed project would result in an approximately 49.7% increase in citywide VMT, compared to a 60.1% increase in combined population and jobs. Therefore, the growth rate associated with the proposed General Plan is higher than the VMT increase associated with it. Coupled with the fact that the addition of project-generated VMT would result in an approximately 3.0% decrease in total VMT per service population (residents plus jobs) by 2040 compared with the General Plan VMT 2040 projections under the existing General Plan, the proposed project would not result in VMT increases that would exceed the adopted thresholds.

- b. Impact 3.3-2: General Plan implementation would not expose sensitive receptors to substantial pollutant concentrations.
 - (1) **Explanation.** Milpitas is not mapped by the BAAQMD as an Impacted Community under the CARE program. The proposed General Plan includes policies and programs that would minimize exposure to TAC and PM2.5 concentrations within the City. These policies and actions are included within various elements of the proposed project. For example, Policy CON 7-2 requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions. Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design. Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-

680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminants TACs within 500 feet of a sensitive receptor. In addition, all new sources of TAC emissions within the City would be required to obtain an Air Permit from BAAQMD that includes analysis of any TAC or PM2.5 emissions created from the new source and the potential health impacts to the nearest sensitive receptor. Individual projects will be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to implement mitigation measures to reduce the impact to a less than significant level, consistent with BAAQMD requirements. Therefore, compliance with the applicable policies and programs in the proposed General Plan as well applicable BAAQMD rules and regulations, would minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and PM2.5 within the City, and impacts would be less than significant.

- c. Impact 3.3-3: General Plan implementation would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

(1) **Explanation.** The potential odor sources known to exist in Milpitas are the Newby Island Landfill & Composting operation, the Santa Clara / San Jose Wastewater Facility AKA Water Pollution Control Plant (WPCP), the Zanker Landfill & Composting Facility, and the Zanker Organic Digester Facility (ZWED). The proposed General Plan does not propose any land uses within the vicinity of this or any other potential source of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. In addition, the General Plan policies and actions would further minimize the potential for other emissions (such as odors) to adversely affect a substantial number of people. Therefore, implementation of the proposed General Plan would have a less than significant impact.

4. Biological Resources: The following specific impacts were found to be less than significant:

a. Impact 3.4-1: General Plan implementation would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- (1) **Explanation.** Construction and maintenance activities associated with future development projects under the proposed General Plan could result in the direct and indirect loss or indirect disturbance of special status plant or animal species or their habitats that are known to occur, or have potential to occur, in the region. Impacts to special status species or their habitat could result in a substantial reduction in local population size, lowered reproductive success, or habitat fragmentation. However, implementation of the General Plan policies and actions would assist in minimizing the impact to a less than significant level. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of special status plants and animals, including habitat. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect special status plants and animals, including habitat, from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected special status plants and animals, including habitat, the implementation of the General Plan policies and action, as well as Federal and State regulations, would result in a less than significant impact to special status plants and animals, including habitat.

b. Impact 3.4-2: General Plan implementation would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- (1) **Explanation.** The proposed project is a planning document that does not itself approve any specific physical changes to the to the environment, adoption of the proposed project would not directly impact the environment. However, the project could have an indirect change on the physical environment through subsequently approved projects that are consistent with the

buildout that is contemplated in the General Plan. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of riparian habitat or natural sensitive communities. If riparian habitat or natural sensitive communities are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. This potential impact would be minimized through the implementation of the General Plan policies and actions. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of sensitive natural communities, including riparian habitat. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect sensitive natural communities, including riparian habitat, from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected habitats, the implementation of the General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impact.

c. Impact 3.4-3: General Plan implementation would not 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.

- (1) **Explanation.** Although subsequent projects may disturb protected wetlands and/or jurisdictional waters, the regulatory process that is established through Section 404 of the CWA ensures that there is “no net loss” of wetlands or jurisdictional waters. If, through the design process, it is determined that a future development project cannot avoid a wetland or jurisdictional water, then the USACE would require that there be an equal amount of wetland created elsewhere to mitigate any loss of wetland. Construction activities associated with individual future projects could result in the disturbance or loss of waters of the United States. This includes perennial and intermittent drainages; unnamed drainages; vernal pools; freshwater marshes; and other types of seasonal and perennial wetland communities. Wetlands and other waters of the United States could be affected through direct removal, filling, hydrological interruption (including

dewatering), alteration of bed and bank, and other construction-related activities. The proposed project is a planning document that does not itself approve any specific physical changes to the environment, adoption of the proposed project would not directly impact the environment. However, the project could have an indirect change on the physical environment through subsequently approved projects that are consistent with the buildout that is contemplated in the General Plan. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of water features. If water features are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of sensitive natural communities, including protected wetlands. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect wetlands and waters of the U.S. from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected water features, the implementation of the General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impact.

d. Impact 3.4-4: General Plan implementation would not 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.

- (1) **Explanation.** Milpitas has proposed a Permanent Open Space (POS) land use for land adjacent to existing waterways. For example, the land to the east of Coyote Creek in Milpitas is all designated POS to allow the area to be continued to be used by wildlife as a movement corridor. The proposed General Plan Land Use Map also designates the majority of land to the west of Berryessa Creek POS and stretches of land adjacent to Penitencia Creek as POS. Additionally, stretches of land adjacent to Calera Creek and Arroyo de los Coches in the SOI boundary are also designated POS to allow the area to be used by wildlife as movement corridors. Because the proposed project is a planning

document and thus, no physical changes will occur to the environment, adoption of the proposed project would not directly impact the environment. There is a reasonable chance that movement corridors could be impacted throughout the buildout of subsequent individual projects. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of movement corridors on a given project site. If movement corridors are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of movement corridors. The City of Milpitas has prepared the General Plan to include three policies and one action intended to protect movement corridors from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected movement corridors, the implementation of the General Plan policies and action, as well as Federal and State regulations, would result in a less than significant impact.

e. Impact 3.4-5: The General Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- (1) **Explanation.** The proposed project is a policy document, in which local policies are established. This EIR presents the numerous policies of the General Plan. The General Plan itself does not conflict with its policies. Subsequent development projects will be required to comply with the General Plan policies, as well as the Municipal Code. This is a less than significant impact.

f. Impact 3.4-6: General Plan implementation 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.

- (1) **Explanation.** The proposed General Plan Land Use Map does not re-designate any land currently designated for open space or habitat protection. Though Milpitas is not a permittee of the Santa Clara Valley Habitat Plan, future projects will be required to comply with the Santa Clara Valley HCP through the implementation of Action CON-3a. Action CON-3a from the Conservation and Open Space Element of the General Plan

requires new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the Santa Clara Valley Habitat Plan to ensure that potentially significant impacts to special status species and sensitive resources are adequately addressed. Through implementation of this Action, the General Plan would have a less than significant impact.

5. Cultural Resources: The following specific impacts were found to be less than significant:

a. Impact 3.5-1: General Plan implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5.

- (1) **Explanation.** Thirty-three cultural resources have been identified within the City of Milpitas General Plan Study Area, according to files maintained by the NWIC of the CHRIS. Additionally, 25 buildings within the City of Milpitas General Plan Area are identified on the Santa Clara County Historic Property Data File Directory. It should be noted that 23 of these resources are also included on the list of resources on file with the NWIC. While the General Plan does not directly propose any adverse changes to any historic or archaeological resources, future development allowed under the General Plan could affect known historical or unknown historical and archaeological resources which have not yet been identified. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the City's General Plan, Municipal Code, and other applicable State and local regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The General Plan includes policies and actions that would reduce impacts to cultural, historic, and archaeological resources, as well as policies and actions for the conservation of cultural, historic, and archaeological resources. Specifically, General Plan policies require development projects with a potential to impact archeological resources to be monitored by a relevant expert. In the event of a resource discovery, it is required that all ground disturbing activities and construction to be halted until a qualified expert is able to analyze the project site and determine appropriate mitigation. Additionally, the General Plan requires tribal consultation with tribes that may be impacted by proposed development, in

accordance with state, local, and tribal intergovernmental consultation requirements. Adoption and implementation of the policies and actions, combined with future CEQA review requirements, would result in a less than significant to historic and archaeological resources.

b. Impact 3.5-2: Implementation of the General Plan would not lead to the disturbance of any human remains.

- (1) **Explanation.** Future projects may disturb or destroy buried Native American human remains, including those interred outside of formal cemeteries. Consistent with state laws protecting these remains (that is, Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98), sites containing Native American human remains must be treated in a sensitive manner. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the City's General Plan, Municipal Code, and other applicable State and local regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that Native American human remains are inadvertently discovered during development activities. The General Plan requires that human remains are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Implementation of the policies and actions of the General Plan would result in a less than significant impact to disturbance of human remains.

c. Impact 3.5-3: General Plan implementation would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: 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 a resource determined by the lead agency.

- (1) **Explanation.** Specific locations for future development and improvements have not been identified. Future projects would be required to be evaluated for project-specific impacts under CEQA at the time of application. The General Plan and local CEQA guidelines require tribal consultation and the protections of any identified archeological and tribal resources. All future development projects would be required to follow development

requirements, including compliance with local policies, ordinances, and applicable permitting procedures related to protection of tribal resources. Subsequent projects would be required to prepare site-specific project-level analysis to fulfill CEQA requirements, which also would include additional consultation that could lead to the identification of potential site-specific tribal resources. Impacts from future development could discover unknown archaeological resources including Native American artifacts and human remains. Impacts would result in a less-than-significant impact with implementation of General Plan policies and actions and local review guidelines. Compliance with the General Plan policies and actions, as well as State and local guidelines would provide an opportunity to identify, disclose, and avoid or minimize the disturbance of and impacts to a tribal resource through consultation and CEQA review procedures. Therefore, implementation of the policies and actions within the General Plan would result in a less than significant impact.

6. Geology: The following specific impacts were found to be less than significant:

a. Impact 3.6-1: General Plan implementation has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.

- (1) **Explanation.** There are known active faults that have been mapped within the Planning Area and numerous faults located in the region. In addition, the California Geological Survey has established an Alquist-Priolo Earthquake Fault Zone, the Hayward Fault Zone, which traverses the Planning Area. While there are known active faults mapped within the City, the area could experience considerable ground shaking generated by faults within the Planning Area. As a result, future development in the City of Milpitas may expose people or structures to potential adverse effects associated with a seismic event, including strong ground shaking and seismic-related ground failure. Additionally, the State Seismic Hazards Mapping Act (1990) addresses hazards along active faults. Seismic hazard zones are currently mapped in Milpitas and include areas mapped for liquefaction and earthquake induced landslide hazards. The most prominent areas of the City susceptible to liquefaction are located along Coyote

Creek. All projects would be required to comply with the provisions of the CBSC, which requires development projects to: perform geotechnical investigations in accordance with State law, engineer improvements to address potential seismic and ground failure issues, and use earthquake-resistant construction techniques to address potential earthquake loads when constructing buildings and improvements. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other regulations. Subsequent development and infrastructure would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to address potential impacts associated with seismic activity. The General Plan policies and actions require review of development proposals to ensure compliance with California Health and Safety Code Section 19100 et seq. (Earthquake Protection Law), which requires that buildings be designed to resist stresses produced by natural forces such as earthquakes and wind. All development and construction proposals must be reviewed by the City to ensure that all new development and construction is in conformance with applicable building standards related to geologic and seismic safety. All future projects are subject to CEQA review to address seismic safety issues and provide site specific mitigation for existing and potential hazards identified. With the implementation of the policies and actions in the General Plan, as well as applicable State and City codes, potential impacts associated with a seismic event, including rupture of an earthquake fault, seismic ground shaking, liquefaction, and landslides would be less than significant.

b. Impact 3.6-2: General Plan implementation has the potential to result in substantial soil erosion or the loss of topsoil.

- (1) **Explanation.** Because the majority of the city limits contains existing urban uses, the erosion potential is considered to be low. Limited development could occur within the SOI's hillside areas. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other regulations. In addition to compliance with City standards and policies, the Regional Water Quality Control Board will require a project specific Storm Water Pollution Prevention Plan (SWPPP) to be

prepared for each project that disturbs an area of one acre or larger. The SWPPPs will include project specific best management measures that are designed to control drainage and erosion. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The General Plan includes a range of policies and one action related to best management practices, NPDES requirements, and minimizing discharge of materials (including eroded soils) into the storm drain system. With the implementation of the policies and actions in the General Plan, as well as applicable State and City requirements, potential impacts associated with erosion and loss of topsoil would be less than significant.

c. Impact 3.6-3: General Plan implementation has the potential to result in development 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.

- (1) **Explanation.** Unstable geologic units could be present within the Planning Area. The potential impacts of such unstable materials could include subsidence where artificial fill material may be poorly engineered and highly compressible. Development sites in the Planning Area may be at risk for seismically induced liquefaction, especially in areas that adjoin Coyote Creek. As future development and infrastructure projects are considered by the City of Milpitas, each project will be evaluated for conformance with the CBSC, the General Plan, Zoning Ordinance, and other regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Future development and improvement projects would be required to have a specific geotechnical study prepared and incorporated into the improvement design, consistent with the requirements of the State and City codes. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction. With the implementation of the policies and actions in the General Plan, as well as applicable State and City codes,

potential impacts associated with ground instability or failure would be less than significant.

d. Impact 3.6-4: General Plan implementation has the potential to result in development 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.

- (1) **Explanation.** The linear extensibility of the soils within Milpitas ranges from Low to Very High. The majority of the Planning Area has moderate to very high expansive soils, including most of the developed land. The eastern and western portions of the SOI have low expansive soils. Most of the area within the City's SOI with low expansive soils are located on undeveloped land. The areas with moderate to high expansive soils would require special design considerations due to shrink-swell potentials. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The Safety Element of the General Plan establishes policies that are designed to protect from geologic hazards, including expansive soils. Consistency with the General Plan policies will require identification of geologic hazards and risk inventory of existing at-risk buildings and infrastructure. As required by the CBSC, a site-specific geotechnical investigation will identify the potential for damage related to expansive soils and non-uniformly compacted fill and engineered fill. If a risk is identified, design criteria and specification options may include removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill material that is designed to withstand the forces exerted during the expected shrink-swell cycles and settlements. Design criteria and specifications set forth in the design-level geotechnical investigation will ensure impacts from problematic soils are minimized. Therefore, this impact is considered less than significant.

e. Impact 3.6-5: General Plan implementation does not have the potential to 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.

- (1) **Explanation.** Construction within the city limits allowed by the proposed Plan would not require the use of septic tanks or alternative wastewater disposal systems. Wastewater would be discharged into the existing public sanitary sewer system in the Plan Area, which is serviced by the West Valley Sanitation District (WVSD). Adequate system capacity is ensured through implementation and periodic auditing of the Sewer System Management Plan (SSMP), as well as sewer related capital improvement program (CIP) projects and studies. New wastewater generated from urban General Plan land uses will be collected and transmitted via sewer and limited use of septic tanks may be required within hillside areas of the Planning Area outside the city limits and within the SOI. Standards for any septic tanks or alternative waste water disposal systems utilized for development within the planning area would require the county health permit and review. Therefore, this impact is considered less than significant.

f. Impact 3.6-6: General Plan implementation has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

- (1) **Explanation.** There could be fossils of potential scientific significance and other unique geologic features that remain undiscovered or are not recorded. Ground-disturbing construction associated with development allowed under the proposed General Plan could uncover previously unknown resources. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of the proposed General Plan policies and actions would ensure steps would be taken to minimize impacts to paleontological resources in the event that they are discovered during construction and thus, general plan implementation would result in a less-than-significant impact.

7. **Greenhouse Gases, Climate Change, and Energy:** The following specific impacts were found to be less than significant:

a. Impact 3.7-1: General Plan implementation has the potential to generate GHG emissions that could have a significant impact on the environment.

- (1) **Explanation.** The General Plan would reduce VMT per capita and VMT per service population, compared with the existing General Plan, in buildout year 2040. In addition, the proposed project is consistent with the existing 2013 CAP, and will also be consistent

with the forthcoming update to the 2013 Milpitas CAP, ensuring consistency with a Qualified GHG Reduction Strategy. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. While future development would generate GHGs that would contribute to climate change, the implementation of the General Plan policies and actions, as well as Federal and State regulations, and implementation of the adopted Milpitas CAP would result in a less than significant impact.

b. Impact 3.7-2: General Plan implementation has the potential to conflict with adopted plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

- (1) **Explanation.** The proposed project (Milpitas General Plan) is consistent with the City's adopted Climate Action Plan, which is a Qualified GHG Reduction Plan. The City's CAP has been developed to satisfy the GHG reduction requirements established by AB 32. The GHG emissions that would be emitted with implementation of proposed General Plan would be required to comply with the existing 2013 Milpitas CAP, as well as the forthcoming update to the 2013 Milpitas CAP. The forthcoming update to the 2013 Milpitas CAP is required to be consistent with the GHG reduction targets provided in the CARB's 2017 Scoping Plan, which were developed by the CARB to ensure compliance with AB 32, SB 32, and consistent with Executive Order S-03-05. These laws established a statewide reduction in GHG emissions to 15% below 1990 levels by 2020 (under AB 32), a 40% below 1990 levels by 2030 (under SB 32), and 80% below 1990 levels by 2050 (under AB 32 and consistent with Executive Order S-03-05). The use of these GHG reduction targets in the pending update to the Milpitas CAP is required by Action CAON-1a. In addition, the General Plan will not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area 2040 because the land use modifications contained in the proposed General Plan, and the corresponding reduction in vehicle miles traveled result in lower emissions than those forecasted in the Plan Bay Area 2040. Additionally, the proposed General Plan would not conflict with any of the other provisions of the Scoping Plan or applicable regulations related to GHG reductions because the General Plan includes a comprehensive approach to expanding transit access, increasing mobility options, promoting a compact pedestrian-oriented urban development pattern, and

focuses new development to infill sites at densities higher than those allowed by the existing General Plan. All of these comprehensive policy approaches serve to support regional and statewide efforts to reduce GHG emissions, including CARB's Scoping Plan and ABAG's Plan Bay Area 2040 through energy efficiency, green building, recycling/waste, and water conservation through General Plan policies and actions.

c. Impact 3.7-3: General Plan implementation has the potential to result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

- (1) **Explanation.** Buildout of the General Plan would use energy resources for the operation of buildings (electricity and natural gas), for on-road vehicle trips (e.g. gasoline and diesel fuel), and from off-road construction activities (e.g. diesel fuel) associated with buildout of the General Plan. Each of these activities would require the use of energy resources. Developers of individual projects within the Planning Area would be responsible for conserving energy, to the extent feasible, and would rely heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures. Buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage. Additionally, energy-saving regulations, including the latest State Title 24 building energy efficiency standards ("part 6"), would be applicable to the proposed project. Other Statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time. Furthermore, additional project-specific sustainability features could further energy consumption of individual projects. As a result, the proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction, operations, maintenance, and/or removal. Silicon Valley Clean Energy, the local CCA, and/or PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the Planning Area. The City of Milpitas would

comply with all existing energy standards, and would not result in significant adverse impacts on energy resources. Furthermore, connections exist between the Planning Area and nearby pedestrian and bicycle pathways, and public transit access exists nearby, reducing the need for local motor vehicle travel. Although improvements to the City's pedestrian, bicycle, and public transit systems would provide further opportunities for alternative transit, the Planning Area would be linked closely with existing networks that, in large part, are sufficient for most residents of the Planning Area and neighboring communities. Thus, buildout of the General Plan would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This is a less than significant impact.

8. Hazards and Hazardous Materials: The following specific impacts were found to be less than significant:

a. Impact 3.8-1: General Plan implementation has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- (1) **Explanation.** All future projects allowed under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to hazardous materials. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts, specific to the project, associated with hazardous materials as required under CEQA. In addition to the requirements associated with Federal and State regulations and the Municipal Code, the General Plan includes policies and actions to address potential impacts associated with hazardous materials among other issues. These policies and actions in the General Plan would ensure that potential hazards are identified on a project site, that development is located in areas where potential exposure to hazards and hazardous materials can be mitigated to an acceptable level, and that business operations comply with Federal and State regulations regarding the use, transport, storage, and disposal of hazardous materials. The General Plan also includes policies and actions to ensure that the City has adequate emergency response plans and measures to respond in

the event of an accidental release of a hazardous substance. Hazardous materials regulations related to the use, handling, and transport of hazardous materials are codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. These laws were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the state (e.g., Cal OSHA in the workplace or DTSC for hazardous waste) and/or the County. The haulers and users of hazardous materials are listed with the SCCFD and are regulated and monitored by the Santa Clara County. Implementation of Title 49, Parts 171-180, of the Code of Federal Regulations would reduce any impacts associated with the potential for accidental release of hazardous materials. Therefore, implementation of the proposed General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impacts associated with the routine use, transport, storage, or disposal or accidental release of hazardous materials.

b. Impact 3.8-2: General Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- (1) Explanation.** The proposed General Plan is not anticipated to directly lead to the establishment of new businesses that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste because the General Plan does not approve any specific development project. However, given the unknown nature of future business establishments within the commercial, manufacturing and industrial use areas, the potential for hazardous materials is present. All hazardous materials would be required to be handled in accordance with Federal, State, and County requirements, which would limit the potential for a project to expose nearby uses, including schools, to hazardous emissions or an accidental release. Hazardous emissions are monitored by the BAAQMD, RWQCB, DTSC and the local CUPA. In the event of a hazardous materials spill or release, notification and cleanup operations would be performed in compliance with applicable Federal, State, and local regulations and policies, including hazard mitigation

plans. As part of the development review process, the City's proposed General Plan also requires projects that may result in significant risks associated with hazardous materials to include measures to address and reduce the risks to an acceptable level such that surrounding uses are not exposed to hazardous materials in excess of adopted state and federal standards, and also requires the submittal of information regarding hazardous materials manufacturing, storage, use, transport, and/or disposal by existing and proposed businesses and developments to the SCCFD. Compliance with all existing regulations as well as the proposed General Plan policies and actions related to land use compatibility and hazardous materials would result in a less than significant impact.

c. Impact 3.8-3: General Plan implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

- (1) **Explanation.** The General Plan does not propose or approve any specific development project, however development allowed by the General Plan could create a hazard to the public or the environment through a disturbance or release of contaminated materials if the development occurs on or adjacent to contaminated sites without appropriate measures to contain or mitigate the existing contamination. Federal and State regulations ensure that existing hazards, including those associated with known hazardous materials sites, are addressed prior to development. Compliance with Federal and State regulations would ensure that potential impacts associated with the hazardous conditions on sites listed pursuant to Government Code Section 65962.5 would be less than significant.

d. Impact 3.8-4: General Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.

- (1) **Explanation.** There are no airport facilities located within the Planning Area. The nearest airport facility within the vicinity of the Planning Area is the San Jose International Airport. The San Jose International Airport is located approximately 2 miles south of Milpitas, and is the only Air Carrier airport in Santa Clara County. According to the Comprehensive Land Use Plan for the San Jose International Airport, the City of Milpitas is not located within one of the Airport Safety Zones. Therefore, the General Plan does not

include any policies or actions that would impact air hazards or safety and implementation of the General Plan would have a less than significant impact.

e. Impact 3.8-5: General Plan implementation has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- (1) **Explanation.** According to the Santa Clara County Emergency Operations Plan, Milpitas is a partner of the Santa Clara County Operation Area and the Santa Clara County Emergency Management Organization. Both of these entities provide mutual aid to communities via the Santa Clara County Sheriff's Department, SCCFD, and the State of California Office of Emergency Services. In addition, the City of Milpitas adopted the City of Milpitas EOP, which identifies the City's emergency planning, organization, and response policies and procedures. The EOP also addresses the integration and coordination within other governmental agencies that are required during an emergency. The following individuals, either acting as the Emergency Operations Center Director or on behalf of the Emergency Operations Center Director, or their appointed representatives are authorized to activate the Emergency Operations Center: City Manager, Police Chief, or Fire Chief. The Emergency Services Coordinator will determine the phase and initiate the appropriate level of alert for response agencies, including the activation of the Emergency Operations Center as required. The General Plan includes a goal to enhance safety throughout the community by ensuring emergency preparedness. The General Plan ensures that the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed to ensure that up to date information is available to the City and the public in the event of an emergency. Important new critical facilities would be located to ensure resiliency in the event of a natural disaster. Implementation of the proposed General Plan policies and actions would result in a less than significant impact.

f. Impact 3.8-6: General Plan implementation has the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

- (1) **Explanation.** The City of Milpitas and general vicinity are not categorized as "Very High" FHSZ by CalFire. Local Responsibility Areas (LRA) are concentrated in the incorporated areas of Milpitas

and is served by the Milpitas Fire Department. State Responsibility areas are found to the east of the City limits in the hilly terrain within the Sphere of Influence boundary. While there are no State Responsibility areas within the Milpitas City limits, areas east of the city limits within the Sphere of Influence are designated as "high" and "moderate" FHSZ by CalFire. There are no Federal Responsibility Areas within the vicinity of the Planning Area. According to the State of California Fire Threat Map, the City of Milpitas is primarily designated as having a no CalFire fire threat or a moderate CalFire fire threat with portions of the city limits east of Interstate 680 classified as "high" fire threat. CalFire data for the foothill areas in the eastern portion of the Planning Area located in the Sphere of Influence area includes a preponderance of "high" and "very high" fire threat. The proposed General Plan includes requirements for adequate water supply and water flow availability, ensuring adequate emergency access, adequate fire protection services, fire safe design site standards, and ensuring public awareness regarding fire safety. All future projects allowed under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts, specific to the project, associated with wildland fire hazards as required under CEQA. Therefore, through implementation of the proposed General Plan policies and actions along with compliance with state and federal requirements would result in a less than significant impact.

9. Hydrology and Water Quality: The following specific impacts were found to be less than significant or to have no impact:

a. Impact 3.9-1: General Plan implementation could violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality or obstruct implementation of a water quality control plan.

(1) Explanation. Compliance with existing City and County construction and stormwater management codes and the SWMP, would reduce potential impacts related to stormwater quality. In addition, prior to the issuance of grading permits, each site developed under the proposed General Plan would be required to

submit a SWPPP and SWMP to the City for approval. While the primary regulatory mechanisms for ensuring that future development and infrastructure projects do not result in adverse water quality impacts are contained in the Milpitas Municipal Code, the SCVURPPP, and the SWMP, the City of Milpitas has developed the General Plan to include additional policies and actions that, when implemented, will further reduce water pollution from construction, new development, and new infrastructure projects, and protect and enhance natural storm drainage and water quality features. Actions by the City during the development review process require the review of development projects to identify potential stormwater and drainage impacts and require development to include measures to ensure that off-site runoff is not increased beyond pre-development levels during rain and flood events. In addition, compliance with the Clean Water Act and regulations enforced by the Regional Water Quality Control Board would ensure that construction-related impacts to water quality are minimized and future projects comply with all applicable laws and regulations. The City manages local storm drain facilities and the SCVWD is responsible for regional flood control planning within the County. Provision of stormwater detention facilities as needed would reduce runoff rates and peak flows. Existing regulatory requirements that manage water quality, and implement the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) include requirements to obtain approval from the RWQCB for NPDES permits, other discharge permits, WQMPs, SWPPPs, and to implement Best Management Practices. These regulatory requirements are intended to ensure that water quality does not degrade to levels that would violate water quality standards. Through implementation of the General Plan policies and actions, implementation of the Milpitas Municipal Code requirements, compliance with mandatory Federal and State regulations, and compliance with the existing regulations for the SCVURPPP would ensure that impacts to drainage patterns and water quality would be less than significant.

b. Impact 3.9-2: General Plan implementation could result in the depletion of groundwater supplies or interfere substantially with groundwater recharge or conflict with a groundwater management plan.

- (1) Explanation.** By 2040, the buildout time horizon in the 2020 Water Master Plan Update, the combined SFPUC and SCVWD

supplies are projected to be over 17.5 mgd. The available water supply of 17.5 mgd exceeds the estimated buildout water demands (13.1 mgd per the land use-based method and 13.7 mgd per the 2020 WMPU). Thus, the City will have adequate water supply to serve the buildout of the proposed general plan land uses. Subsequent development projects under the General Plan, such as residential, commercial, industrial, and roadway projects would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. However, the majority of developable areas within the Santa Clara Plain Recharge Area are currently developed with urban uses. The majority of open undeveloped lands within the Santa Clara Plain Recharge Area are designated for future hillside residential uses. The amount of new pavement and impervious surfaces, and the extent to which they affect infiltration, depends on the site-specific features and soil types of a given project site. Projects located in urban areas would have less of an impact than projects converting open lands and spaces. Given that implementation and future buildout of the proposed General Plan would not appreciably add to the volume of impervious surfaces in Milpitas or the Santa Clara Plain Recharge Area, when compared to the overall size of the regional groundwater basin recharge area, and that there are adequate water supplies (including groundwater) to serve the projected buildout demand of the General Plan, this potential impact would be less than significant, and no additional mitigation is required. While mitigation is not required for this less than significant impact, the General Plan includes policies that support water conservation, the use of permeable surfaces and the use of recycled water for non-potable uses and coordination with local water districts when planning for adequate capacity to accommodate future growth. The General Plan and development codes are consistent with the Groundwater Management Plan. Implementation of the General Plan policies would further ensure that the General Plan would have a less than significant impact.

c. Impact 3.9-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, impeded flows, or polluted runoff.

- (1) **Explanation.** The General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and

analysis of potential impacts of such projects is not feasible and would be speculative. Future project applicants would be required to obtain permits from the Army Corps of Engineers and the Department of Fish and Wildlife if any work is performed within a waterway. Each future development project must also include detailed project specific floodplain and drainage studies that assess the drainage characteristics and flood risks so that an appropriate SWMP can be prepared to control storm water runoff, both during and after construction. The SWMP will ultimately include project specific best management measures that are designed to allow for natural recharge and infiltration of stormwater. Construction of storm drainage improvements would occur as part of an overall development or infrastructure project, and is considered in the environmental impacts associated with project construction and implementation. The City manages local storm drain facilities and the Santa Clara Valley Water District (SCVWD) is responsible for regional flood control planning within the County. Provision of stormwater detention facilities as needed would reduce runoff rates and peak flows. The City has developed the General Plan to include policies and actions that, when implemented, will reduce flooding from new development, reduce storm water pollution from new development, and protect and enhance natural storm drainage and water quality features, which will in turn reduce water quality impacts. Existing regulatory requirements including NPDES and Waste Discharge permits from the RWQCB and implementation of BMPs manage quality. Through implementation of the General Plan policies and actions, implementation of the Milpitas Municipal Code requirements, compliance with mandatory Federal and State regulations, and compliance with the existing regulations for the SCVURPPP would ensure that impacts related to increased flooding or water quality impacts associated with increased runoff would be less than significant.

d. Impact 3.9-4: General Plan implementation would not release pollutants due to project inundation by flood hazard, tsunami, or seiche.

- (1) **Explanation.** The City of Milpitas regulates storm water discharge in accordance with the NPDES permit through Chapter X-16 of the Milpitas Municipal Code. In addition to complying with the NPDES programs and WQMP stormwater requirements, the General Plan contains policies to reduce impacts associated with stormwater and drainage including policies to maintain sufficient levels of

storm drainage service, improvements to flood control facilities and channel segments, and other best practices in order to protect the community from flood hazards and minimize the discharge of materials into the storm drain system that are toxic. The implementation of the General Plan would result in a less than significant impact. Regarding tsunamis and seiches, there are multiple dam inundation areas that could impact the Planning Area, including the Anderson Dam and Reservoir, Coyote Dam and Reservoir, and Sandy Wool Lake Dam. These dams do not have a history of dam failure; however, these dams are identified as having the potential to inundate habitable portions of the Planning Area in the unlikely event of dam failure. The Santa Clara Valley Water District's Dam Safety Program recognizes the catastrophic nature of potential dam failure and operates a comprehensive dam safety program to protect the public. Through the water district's dam safety program, it ensures the continued operation of its 10 major dams within the county. The water district also works closely with state and federal regulators, and downstream emergency response partners. As such, the City is not at significant risk from a dam failure. In addition, limited isolated damage to adjacent and down-slope structures has been observed from seiches occurring in swimming pools and in small shallow lakes and ponds. Man-made lakes within the Planning Area are shallow with limited surface areas, and would not generate devastating seiches. The City of Milpitas is not within a tsunami hazard area and would not be subject to substantial impacts from seiche events. This is a less than significant impact.

10. Land Use Planning and Population/Housing: The following specific impacts were found to be less than significant:

a. Impact 3.10-1: General Plan implementation would not physically divide an established community.

- (1) Explanation.** The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas of the city, and would not create physical division within the community. New development and redevelopment projects would be designed to complement the character of the existing community and neighborhoods and provide connectivity between existing development and new development. The proposed General Plan Land Use Map designates sites for a range of developed uses as well as open space. The proposed General Plan does not include

any new areas designated for urbanization or new roadways, infrastructure, or other features that would divide existing communities. The proposed General Plan would have a less than significant impact associated with the physical division of an established community and the General Plan policies would ensure that future development is compatible with adjacent communities and land issues.

b. Impact 3.10-2: General Plan implementation would not 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.

- (1) **Explanation.** The proposed General Plan was prepared in conformance with State laws and regulations associated with the preparation of general plans, including requirements for environmental protection. As set forth by State law, the General Plan serves as the primary planning document for the City and subordinate documents and plans would be updated to be consistent with the General Plan. Similar to the existing General Plan, the proposed General Plan focuses on a balanced land use pattern, creating a community where new development blends with existing neighborhoods, and promoting the City as a desirable place to live and work. The proposed General Plan carries forward and enhances policies and measures from the City's existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed General Plan would require modifications to the City's Zoning Ordinance to provide consistency between the General Plan and zoning; however, these modifications will not remove or adversely modify portions of the Milpitas Municipal Code that were adopted to mitigate an environmental effect. Subsequent development and infrastructure projects would be required to be consistent with all applicable policies, standards, and regulations, including those land use plans, policies, and regulations adopted to mitigate environmental effects by the City as well as those adopted by agencies with jurisdiction over components of future development projects. Any potential environmental impact associated with conflicts with land use requirements would be less than significant and the General Plan policies would ensure that the General Plan does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

c. Impact 3.10-3: General Plan implementation would not 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).

- (1) **Explanation.** The proposed General Plan accommodates future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses. Infrastructure and services would need to be extended to accommodate future growth. At full buildout, the proposed General Plan could yield a total of up to 33,401 housing units, a population of 113,530 people, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs within the Planning Area. With implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds, beyond those disclosed and analyzed in the EIR. Therefore, population and housing growth associated with the proposed General Plan would result a less than significant impact.

d. Impact 3.10-4: General Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

- (1) **Explanation.** The majority of developed land in the Planning Area is comprised of residential uses, which are not anticipated to undergo significant land use changes under the Proposed General Plan. The Proposed General Plan focuses infill development opportunities in vacant and underutilized areas in Milpitas, as well as areas currently developed with commercial uses which may transition to mixed uses in the future. The General Plan Land Use Map was developed to preserve existing neighborhoods throughout the City. Throughout the Planning Area, the Proposed General Plan is projected to increase the overall number of dwelling units and provide housing to serve the diverse needs of the community at various socioeconomic levels. Additionally, the Land Use Element includes policies and actions aimed at preserving housing options, and providing attainable housing opportunities for all residents. Therefore, impacts of the proposed General Plan on the displacement of people or housing are considered less than significant.

11. Mineral Resources: The following specific impacts were found to be less than significant:

a. Impact 3.11-1: General Plan implementation would not 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.

(1) **Explanation.** The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits, are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. All of the areas are being currently quarried. Given that the only known identified regional mineral resource areas within the Planning Area are already in operation and are currently quarried there is no additional potential for resource extraction from this MRZ. However, proposed new urban uses available for development are within the City of Milpitas city limits and would not be developed within an identified regional mineral resource area or mining operation and therefore would not preclude mineral extraction within existing mineral resources area. Access to mineral resource areas would be considered on a project specific basis. There are no other known mineral deposits or resources within Milpitas that are of significant value to the region or the state. As such, implementation of the proposed General Plan would have a less than significant impact.

b. Impact 3.11-2: General Plan implementation would not 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.

(1) **Explanation.** The Planning Area does not contain sites designated as a locally important mineral resource recovery site by the City's General Plan. The Santa Clara County General Plan identifies important mineral resources within its Planning Area, which includes the hillside areas within the Milpitas SOI. However, implementation of the proposed General Plan would not result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, as the proposed General Plan don't not re-designate any new lands for urban development within the hillside areas within the SOI east of the city limits. Therefore, this impact is considered less than significant.

12. Noise: The following specific impacts were found to be less than significant:

a. Impact 3.12-2: General Plan implementation may result in exposure to excessive railroad noise sources.

(1) **Explanation.** The 60 dB Ldn railroad noise contours for railroad lines may extend up to 48 feet to 1,199 feet from railroad centerlines. Future development located along these railroad lines could therefore be exposed to unacceptable exterior noise levels. Policies N 1-1 through N 1-5 and Actions N 1a and N 1b, are intended to minimize exposure to excessive noise, including noise associated with railroad operations. Specifically, Policy N 1-1 and N 1a support noise-compatible land uses in the vicinity of railroad noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1. Policy N 1-2, N 1-4, and N 1-5 and Actions N 1a and N 1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels. Implementation of these General Plan policies and actions would ensure that development allowed under the proposed General Plan is not exposed to noise levels associated with railroad operations in excess of the City's established standards. This is a less than significant impact.

b. Impact 3.12-3: Implementation of the General Plan could result in the generation of excessive stationary noise sources.

(1) **Explanation.** While the General Plan does not specifically propose any new noise generating uses, the Land Use Map includes industrial land use designations, which may result in new noise sources. Specific land uses that would be located in the city are not known at this time. Additionally, noise from existing stationary sources will continue to impact noise-sensitive land uses in the vicinity. New projects which may include stationary noise sources such as automotive and truck repair facilities, tire installation centers, car washes, loading docks, corporation yards, parks, and play fields may create noise levels in excess of the City's standards. The General Plan includes policies and actions that are intended to reduce noise associated with stationary sources. Specifically, Policies N 1-11 through N 1-14 and Actions N 1a and N 1b would reduce noise associated with stationary sources by requiring the preparation of acoustical studies for proposed commercial and industrial development projects in the vicinity of sensitive noise receptors, and requiring project-specific

mitigation in the form of noise attenuation to comply with the noise standards shown in Table N-2 of the proposed General Plan. Implementation of the proposed policies and actions of the General Plan will reduce noise impacts from stationary noise sources to a less than significant level.

c. Impact 3.12-4: General Plan implementation may result in an increase in construction noise sources.

- (1) **Explanation.** Activities involved in construction would typically generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet. Construction could result in periods of significant ambient noise level increases and the potential for annoyance. However, the proposed General Plan includes policies and actions that are intended to reduce noise associated with construction noise. Specifically, Policy N 1-8 and Action N 1c and N 1d would reduce noise associated with construction noise. Additionally, due to the temporary nature of construction noise, noise increases from construction activities would not lead to ongoing or long-term exceedances of the City's noise standards. The ambient noise standards established by the proposed General Plan do not apply to temporary noise sources, such as construction activities. Implementation of the proposed policies and actions of the General Plan will reduce noise impacts from construction noise to a less than significant level.

d. Impact 3.12-5: General Plan implementation may result in construction vibration.

- (1) **Explanation.** Depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels may be high enough to damage existing structures. Given the scope of the General Plan and the proximity of many existing structures, ground borne vibration impacts would be potentially significant. As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high-power tools) would be intermittent and would only occur for short periods of time for any individual project site. General Plan Action N 1d would ensure administrative controls such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect nearby businesses, in order to ensure that perceptible vibration can be kept to a minimum, and

as such would not result in a significant impact with respect to perception. Therefore, the potential for significant impacts associated with construction vibration is less than significant.

e. Impact 3.12-6: General Plan implementation may result in exposure to groundborne vibration.

- (1) **Explanation.** Development facilitated by the General Plan could expose persons to excessive ground borne vibration levels attributable to trains. The proposed locations of buildings and their specific sensitivity to vibration are not known at this time; however, such uses located in close proximity to railroad tracks could be exposed to ground vibration levels exceeding FTA guidelines. The proposed General Plan includes Policy N 2-3 requires that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. If project-level significant vibration impacts are identified, specific mitigation measures will be required under CEQA. The implementation of this policy would limit potential ground borne vibrations associated with railroad operations to a less than significant level.

13. Public Services and Recreation: The following specific impacts were found to be less than significant:

a. Impact 3.13-1: General Plan implementation could result in adverse physical impacts on the environment associated with the need for new governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts and the provision of public services.

- (1) **Explanation.** The General Plan does not propose or approve actual development projects, or the physical expansion of public facilities. As future development and infrastructure projects (including new governmental facilities) are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Such development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Any future expansion of public facilities required by growth in the City would be required to be reviewed for site-specific impacts. New facilities will be needed to serve growth contemplated in the General Plan. The facilities would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and

operating the governmental facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan. Any future development under the General Plan would be required to comply with regulations, policies, and standards included in the General Plan, and would be subject to CEQA review as appropriate. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services. Therefore, impacts related to the provisions and need for public facilities are less than significant.

b. Impact 3.13-2: General Plan implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities.

- (1) **Explanation.** The proposed General Plan does not specifically propose any development projects, including parks. As a result, site-specific physical impacts of future park development and construction cannot be determined until future projects are brought forward for review. As future parks and recreation projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Parks and recreation projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. In addition to ensuring that new and expanded parks and recreation facilities are provided to accommodate new growth, the General Plan includes policies and actions to ensure that parks and recreation facilities are adequately maintained and improved to serve both existing and planned growth. The General Plan includes a range of policies and actions to ensure that parks and recreational facilities are adequately funded, and that new development funds its fair share of services needed to meet General Plan objectives. New development is required to participate in the provision and expansion of public services, recreational amenities, and facilities, and is also required to demonstrate that the City's public services and facilities can accommodate the increased demand for said services and facilities associated with future projects during the entitlement process. Therefore, impacts related to the provisions and need for park and recreational facilities are less than significant.

14. Transportation: The following specific impacts were found to be less than significant:

a. Impact 3.14-1: General Plan implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

- (1) **Explanation.** As historically the transportation network has emphasized meeting the needs of motor vehicle transportation, applicable General Plan policies place an increased emphasis on the enhancement of facilities to improve walking, bicycling and transit use. These policies support and help further the implementation of a variety of City transportation plans, including the Bikeway Master Plan and the Trails Master Plan. These policies also seek to minimize the negative impacts that improvements to one mode may have on other modes. The context of the transportation network is also considered through policies that support inter-jurisdictional coordination and closely linking the development of transportation facilities to the surrounding land uses. Through implementation of the policies and actions included in the General Plan, implementation of the proposed General Plan would result in a less than significant impact.

b. Impact 3.14-3: General Plan implementation would not substantially increase hazards due to a geometric design feature or incompatible use.

- (1) **Explanation.** The proposed project does not directly result in any modifications to the transportation network, it therefore has no impact in terms of potentially increasing hazards related to design features. At such time as the facilities presented in the plan are implemented, they would be required to meet applicable City, federal, and state design standards. Therefore, this results in a less than significant impact.

c. Impact 3.14-4: General Plan implementation would not result in inadequate emergency access.

- (1) **Explanation.** Future development under the proposed plan would be subject to the requirements contained in the City's Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials as part of the City's entitlement process. Thus, individual projects will adhere to City of Milpitas and Santa Clara County development codes just as they do today. Safety, Fire, and Building Codes will be adhered to for all projects included in the

proposed intensification of land uses outlined in the plan. Additionally, emergency vehicles are able to use vehicle preemption technology (where possible) and sirens to reduce their response times, and they would continue to do so regardless of any roadway capacity modification. Locations that would experience a reduction in vehicular roadway capacity would undergo individual operations analyses to assess the potential impacts to emergency vehicle access, and mitigation measures would be developed as needed to reduce potentially significant impacts to less than significant levels. The General Plan policies focus on the need to consider safety needs as part of planning and implementing transportation improvements. This includes ensuring adequate mobility and access as well as coordination with adjacent jurisdictions, which are critical considerations in providing adequate emergency access. Overall, this is a less than significant impact.

15. Utilities and Service Systems: The following specific impacts were found to be less than significant:

a. Impact 3.15-1: General Plan implementation would result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years.

- (1) **Explanation.** The City will have adequate water supply to serve the buildout GPU land uses. Per the 2015 Urban Water Management Plan (UWMP), the City projects combined supplies from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (VW) to be approximately 14.5 mgd in 2025. By 2040, the buildout time horizon in the 2020 WMPU, combined SFPUC and VW supplies are projected to be over 17.5 mgd. Thus, the available water supply of 17.5 mgd exceeds the estimated buildout water demands (13.1 mgd per the land use-based method and 13.7 mgd per the 2020 WMPU). When the net impact to potable water demand is compared to the supply available, it can be seen that the city has ample water supply to account for buildout of the proposed General Plan. As such, this is a less than significant impact, and no mitigation is required. The proposed General Plan includes a range of policies designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. Given that projected water demands associated with General Plan buildout would not exceed the projected available water supplies, and that

the proposed General Plan includes a comprehensive set of goals and policies to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are less than significant. The policies would further assist in ensuring that adequate water supplies are available to serve new growth projected under the proposed General Plan.

b. Impact 3.15-2: General Plan implementation may require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- (1) **Explanation.** The proposed General Plan includes a range of policies to ensure that water providers serving the city are consulted with during future land use changes in order to ensure that future supply levels meet demands. Future development in the Planning Area would be required to connect to existing water distribution infrastructure in the vicinity of each site, pay the applicable water system connection fees, and pay the applicable water usage rates. Future projects may be required to implement site specific and limited off-site improvements to the water distribution system in order to connect new project sites to the existing water infrastructure network. The specific impacts of providing new and expanded water distribution infrastructure cannot be determined at this time, as the General Plan does not propose or authorize any specific development projects or include details on any future development projects. However, any future improvements to the existing water distribution infrastructure would be primarily provided on sites with land use designations that allow for urbanized land uses, and the environmental impacts of constructing and operating the new water distribution infrastructure would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the proposed General Plan. Therefore, this impact is considered less than significant.

c. Impact 3.15-3: General Plan implementation has the potential to 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.

- (1) **Explanation.** While full buildout of the development contemplated in the proposed General Plan would slightly increase the existing treatment demand at the districts' treatment plants, the proposed General Plan includes a range of policies

designed to ensure an adequate wastewater treatment capacity for development. The districts must also periodically review and update their Master Plans, and as growth continues to occur within the Planning Area, the districts, in coordination with the City, will identify necessary system upgrades and capacity enhancements to meet growth, prior to the approval of new development. Given that projected wastewater generation volumes associated with General Plan buildout would not exceed the projected wastewater generation volumes described in the City of Milpitas 2014 Sewer System Management Plan and 2015 UWMP, this impact would be less than significant. The General Plan policies and actions would further assist in ensuring that adequate wastewater treatment and conveyance infrastructure is available to serve new growth projected under the proposed General Plan.

d. Impact 3.15-4: General Plan implementation may require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects.

- (1) **Explanation.** The estimated General Plan Update Buildout ADWF Wastewater Flows is 11.8 mgd. Per the 2014 Sewer System Management Plan, the City's existing total available wastewater treatment capacity is 14.25 mgd. Therefore, the City has excess treatment capacity at the RWF, and no physical plant expansions would be required as a result of the proposed General Plan. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. As such, this impact would be less than significant. The proposed General Plan includes policies designed to ensure adequate wastewater treatment capacity is available to serve development and to minimize the potential adverse effects of wastewater treatment.

e. Impact 3.15-5: General Plan implementation may require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects.

- (1) **Explanation.** Stormwater drainage and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. However, the facilities would

be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan. The proposed General Plan includes policies and actions designed to ensure adequate drainage infrastructure is available to serve development, to minimize the potential adverse effects of stormwater conveyance, and to ensure that development does not move forward until adequate drainage capacity exists. Specifically, the proposed General Plan requires all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the City's NPDES Municipal Regional Permit. Project applicants are required to mitigate any drainage impacts as necessary and the General Plan requires the City to maintain drainage channels in a naturalized condition to the greatest extent feasible, and as feasible to include pervious surfaces. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. As such, this is a less than significant impact.

f. Impact 3.15-6: General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and would not 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.

- (1) **Explanation.** The City's projected increase in solid waste generation associated with future buildout of the proposed General Plan is well within the permitted capacity of the Newby Island Landfill. Newby Island Landfill has a remaining capacity of the landfill's disposal area is estimated at 57.5 million cubic yards, and has a current maximum permitted throughput of 4,000 tons of waste per day. This landfill has an estimated closing date for the landfill of 2041. This is a less than significant impact. Future projects within the Planning Area would be required to comply with applicable state and local requirements including those

pertaining to solid waste, construction waste diversion, and recycling. While there is adequate permitted landfill capacity to accommodate future growth, the proposed General Plan includes actions to further reduce the project's impact on solid waste services. The General Plan would not exceed the permitted capacity of the landfill serving the city, and the General Plan complies with regulations related to solid waste.

16. Wildfires: The following specific impacts were found to be less than significant:

a. Impact 3.16-1: General Plan implementation could substantially impair an adopted emergency response plan or emergency evacuation plan.

(1) **Explanation.** The proposed Milpitas General Plan is a policy document that does not include any site specific designs or proposals and does not propose any entitlements for development that would have the potential to impair or conflict with an adopted emergency response or evacuation plan. Any future development projects that would implement the General Plan, including buildout of uses contemplated under the proposed Land Use Map, would be subject to all applicable City regulations, reviews, and requirements pertaining to emergency response, emergency access, and maintaining emergency evacuation routes, as well as further CEQA analysis of project-specific impacts. The General Plan ensures that the City maintains adequate emergency access as well as staffing, training, station locations, emergency response. Important new critical facilities would also be located to ensure resiliency and functionality in the event of a natural disaster. Implementation of the General Plan would have a less than significant impact.

b. Impact 3.16-2: General Plan implementation would not exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

(1) **Explanation.** Any future projects contemplated under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements as part of the project's approval process. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts,

specific to that project, associated with wildland fire hazards as required under CEQA. The General Plan and General Plan Land Use Map do not designate any new urban uses in the areas designated as a High FHSZs. The Milpitas General Plan is a policy document that does not include site specific designs or proposals and does not propose any entitlements for development that would have the potential to expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Any future development projects that would implement the General Plan including buildout of uses allowed under the proposed Land Use Map would be subject to all applicable City regulations, reviews, and requirements pertaining to emergency response, emergency access, and maintaining emergency evacuation routes, as well as being subject to all applicable building code and fire code requirements as well as further CEQA analysis of project-specific impacts for individual development projects. Nothing in the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. General Plan implementation would not exacerbate wildfire risks in VHFHSZs; therefore, these impacts would be less than significant. Nonetheless, the General Plan includes Policies and Actions related to minimizing wildfire risk.

c. Impact 3.16-3: 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.

- (1) **Explanation.** Development allowed under the General Plan would be required to comply with the applicable provisions of the California Building Code (CBC), and CA Fire Code (CFC). Future developments utility infrastructure would also be subject to the requirements established in the additional Public Resources Code including: Public Resources Code Section 4292, which requires clearing of flammable fuels for a minimum 10-foot radius from the outer circumference of poles and towers; and Public Resources Code Section 4293, which sets basic requirements for clearances around electrical conductors. Furthermore, the future projects would be required to meet vegetation clearance requirements outlined in Title 14, Section 1104.1(d) of the

California Code of Regulations for single overhead facilities, and in CPUC General Order 95 requirements for overhead utility lines in high-fire-threat areas. The General Plan includes requirements for adequate water supply and water flow availability, emergency access, fire protection services, fire safe design site standards, and ensuring public awareness regarding fire safety. All future development projects would be required to be consistent with the City's municipal code standards related to the California Fire Code and would also be subject to CCR and PUC standards. The Milpitas General Plan is a long range policy document that does not include site specific designs or proposals, and does not propose or approve any entitlements for development. The majority of all future development would occur within existing developed areas. The potential for future projects to impact environmental resources to meet compliance with fire development standards such (as fuel breaks and clearance requirements) would require site specific environmental require under CEQA to identify any site-specific impacts. Implementation of the various policies and actions contained in the General Plan would reduce potential impacts associated with the construction and expansion of infrastructure. Implementation of local and state requirements would ensure that potential wildland fire hazards would not be exacerbated by local infrastructure, and this impact would be considered less than significant.

d. Impact 3.16-4: 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.

- (1) **Explanation.** The General Plan requires the City to review all development projects to identify potential stormwater and drainage impacts and require development to include measures to ensure that offsite runoff is not increased as a beyond pre-development levels during rain and flood events. Additionally, policies under the proposed General Plan require that all new developments and redevelopments in areas susceptible to flooding incorporate mitigation measures designed to reduce flood hazards and ensures the City maintains adequate Infrastructure and regularly assesses the status of local storm drainage infrastructure to ensure that the system can adequately reduce flood hazards. Further, all future development allowed under the General Plan would be subject to all existing building codes and development standards described above to control for

runoff, instability, and drainage issues. The topography in the urban portions of the Planning Area is considered relatively flat and would generally not be subject to debris flows. In the event that a significant wildfire were to burn in the hillside portions of the Planning Area, portions of SOI may be exposed to potential risks associated with landslides, debris flows, and flooding in the weeks, months following the fire as a result in changes to the vegetative cover of the land and the rain absorption capacity of the soil. The areas within the SOI at-risk of exposure to these potential impacts are sparsely developed. Adoption of the proposed General Plan would not increase or exacerbate these risks, however, areas of the SOI would still remain at risk in the event of a significant wildfire upslope from the City. Implementation of the General Plan would not exacerbate this risk and this impact would be considered less than significant.

17. Growth-Inducing: The General Plan was found to result in a less than significant impact related to growth inducement (pages 4.0-23 through 4.0-25 of the Draft EIR).

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

The General Plan is a long-term plan intended to accommodate projected population, housing, and employment growth, including the appropriate balance among these factors with the necessary public services and infrastructure. The proposed General Plan would serve as a comprehensive, long-term plan for the physical development of Milpitas. By definition, the proposed Milpitas General Plan is intended to provide for and address future growth in the City.

Because the proposed General Plan provides a framework for development through its Land Use Map, land use designations, goals, policies, and actions, it would directly induce population and employment growth in the Milpitas Planning Area by designating land for development that is more intense, in some instances, than current designations allow. The analysis of the indirect growth-inducing impacts for the proposed General Plan focuses on the following factors: inducement of unanticipated population growth; encouragement of economic growth that leads to jobs and housing growth; elimination of obstacles to population growth; and resulting service, facility, or infrastructure demands in excess of existing and planned growth.

The proposed General Plan accommodates future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses. Infrastructure and services would need to accommodate future growth. The General Plan is oriented toward the economic growth of the City, with emphasis given to encouraging development of a broader array of businesses, increasing local employment opportunities, and providing residential development as necessary to serve economic growth. The cumulative development scenario addressed in this Draft EIR is the maximum projected development that could occur within the existing city limits and the Planning Area, if every parcel in the city and the Planning Area developed at or near the higher end of densities and intensities allowed under the proposed General Plan. Buildout of the General Plan could yield up to 11,186 new housing units, and 19,729,648 square feet of new non-residential building square footage within the Planning Area. Depending on growth rates, the actual growth during the life of the General Plan could be lower or higher, but would not exceed the theoretical maximum buildout.

Given the historical and current population, housing, and employment trends, growth in the City, as well as the entire state, is inevitable. The primary factors that account for population growth are natural increase and net migration. The average annual birth rate for California is expected to be 20 births per 1,000 population. Additionally, California is expected to attract more than one third of the country's immigrants. Other factors that affect growth include the cost of housing, the location of jobs, the economy, the climate, and transportation. While these factors would likely result in growth in Milpitas during the planning period of the proposed General Plan, growth will continue to occur based primarily on the demand of the housing market and demand for new commercial, industrial, and other non-residential uses. As future development occurs under the proposed General Plan, new roads, infrastructure, and services would be necessary to serve the development and this infrastructure would accommodate planned growth. However, growth under the proposed General Plan would remain within the general growth levels projected statewide and would not be anticipated to exceed any applicable growth projections or limitations that have been adopted to avoid an environmental effect. The proposed General Plan is intended to accommodate the City's fair share of statewide housing needs, based

on regional numbers provided by the California Department of Housing and Community Development on a regular basis (every five to eight years).

The proposed General Plan includes policies and actions that mitigate environmental impacts associated with growth, such as air quality, noise, traffic, water supply, and water quality. Additionally, the General Plan includes policies and actions, where appropriate, that would serve to reduce or eliminate potentially significant impacts associated with specific environmental issues associated with growth. With implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Therefore, population and housing growth associated with the proposed General Plan would result a less than significant impact.

- B.** The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR. The City hereby finds as follows:

1. Aesthetics: Regional growth has and will continue to result in a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas and increasing overall levels of nighttime lighting. Cumulative development entails grading/landform alteration, the development of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character. Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan and adopted regulations pertaining to aesthetics and lighting in Milpitas. With implementation of adopted policies and regulations, the proposed General Plan would not considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. The policies and actions included within the General Plan would fully reduce the cumulative effect of the General Plan on visual character, to mitigate the proposed project's contribution to a less-than-significant level. Thus, the project would have a less than cumulatively considerable contribution to the cumulative degradation of the existing visual character of the region (Impact 4.1)

- 2. Agricultural Resources:** There are no lands within the Planning Area that are designated for agricultural use on the existing or proposed Milpitas

Land Use Map. There are no agricultural lands identified by the CA Department Conservation's Farmland Mapping and Monitoring Program within the Milpitas Planning Area. Furthermore, there are no lands within the Milpitas Planning Area that are currently under a Williamson Act contract. Additionally, there are no forest lands or timber lands located within the Milpitas Planning Area. All of the land within the Planning Area is planned for urban development in one form or another, with the exception of areas designated for Permanent Open Space. However, because there are no lands within the Planning Area that are designated by the existing or proposed General Plan for agricultural uses, and there are no forest lands or timber lands located within the Milpitas Planning Area, the project would have a less than cumulatively considerable contribution to impacts to agricultural lands and resources (Impact 4.2)

3. Air Quality: The policies and actions included throughout the proposed General Plan cover the full breadth of air quality issues as recommended in the 2017 Clean Air Plan. Therefore, compliance with the applicable policies and programs in the proposed General Plan as well applicable BAAQMD rules and regulations, would further assist in minimizing the proposed project's contribution to air quality emissions, TACs, and health impacts. Implementation of the proposed project would result in an approximately 49.7% increase in citywide VMT, compared to a 60.1% increase in combined population and jobs. The growth rate associated with the proposed General Plan is higher than the VMT increase associated with it; therefore, the proposed project would further the fundamental goals of the BAAQMD in reducing emissions of criteria pollutants associated with vehicle miles traveled, would assist the City in achieving a more balanced jobs to housing ratio, and would increase opportunities for transit ridership in Milpitas and the surrounding areas. Further, the addition of project-generated VMT would result in an approximately 3.0% decrease in total VMT per service population by 2040 compared with the General Plan VMT 2040 projections under the existing General Plan. Thus, the proposed General Plan would actually reduce its overall contribution to the region's air quality than the existing General Plan. The project would have a less than cumulatively considerable contribution to cumulative impacts on the region's air quality (Impact 4.3).

4. Biological Resources: Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan. The implementation of an individual project would require a detailed and

site-specific review of the site to determine the presence or absence of movement corridors, special-status species, and sensitive habitat on a given project site. If movement corridors, special-status species, or sensitive habitat are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. However, with implementation of the policies and actions included within the General Plan, implementation of the General Plan would not generate a significant impact on biological resources. The project would have a less than cumulatively considerable contribution to the loss of biological resources, including habitats and special status species (Impact 4.4).

5. Cultural and Tribal Resources: Construction of the individual development projects allowed under the land use designations of the proposed General Plan may result in the discovery and removal of cultural resources, including archaeological, historical, and Native American resources and human remains. The proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to resources in the region. Each project would require specific surveys for potential resources and the evaluation of any resources discovered during construction activities. Adherence to these policies, actions, and regulations will avoid and/or minimize a cumulative loss of these important resources if they are found during project-specific surveys or construction. The project would have a less than cumulatively considerable contribution to cumulative impacts on known and undiscovered cultural resources (Impact 4.5).

6. Geology, and Soils: While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, State, and Federal agencies and their requirements for seismic design, the overall cumulative impact would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts related to geology and soils (Impact 4.6).

7. Greenhouse Gases and Climate Change and Energy: The General Plan would reduce VMT per capita and VMT per service population, compared with the existing General Plan, in buildout year

2040. In addition, the proposed project is consistent with the existing 2013 CAP and will also be consistent with the forthcoming update to the 2013 Milpitas CAP, ensuring consistency with a Qualified GHG Reduction Strategy. The City of Milpitas would not exceed the GHG emission targets established to ensure compliance with SB 32, AB 32, CARB's 2017 Scoping Plan and other California legislation for future year 2030 and General Plan buildout year 2040. Moreover, the proposed project includes a range of goals and policies that would reduce GHG emissions associated with future development and improvement projects. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. As future development projects are received and reviewed by the City in subsequent years, those projects will be reviewed for consistency with the General Plan and all relevant State-level programs and requirements. All future projects must implement the most current version of the Title 24 energy efficiency requirements, as required by State law. Consistency with the General Plan and other mandatory State-level programs would ensure that future project-level contributions to global climate change would be less than significant. Moreover, buildout of the General Plan would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project would have a less than cumulatively considerable contribution to cumulative impacts related to energy and increased greenhouse gas emissions that may contribute to climate change (Impact 4.7).

8. Hazards: All future projects allowed under the General Plan and future projects within the cumulative analysis area would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements. While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, State, and Federal agencies and their requirements for the use of hazardous materials in the region, the overall cumulative impact for hazards impacts would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts from hazardous materials and risks associated with human health (Impact 4.8).

9. Hydrology and Water Quality: While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will substantially reduce the impacts. Considering the protection granted by local, State, and Federal agencies and their permit and monitoring requirements, and with implementation of the policies and actions included within the General Plan, the overall cumulative impact would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts to hydrology and water quality (Impact 4.9).

10. Land Use, Population and Housing: The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas, as well as limited new growth within the Planning Area, but would not create physical division within existing communities. New development and redevelopment projects would be designed to complement the character of existing neighborhoods and provide connectivity between existing development and new development within the cumulative analysis area. The proposed General Plan does not include any new roadways, infrastructure, or other features that would divide existing communities. Moreover, with implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Lastly, General Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The project would have a less than cumulatively considerable contribution to cumulative impacts associated with local land uses population, and housing (Impact 4.10).

11. Mineral Resources: The only known identified regional mineral resource areas within the Planning Area are already in operation and are currently quarried. The proposed General Plan does not designate new urban uses within the SOI or include policies or actions that would limit the future potential for resource extraction from this MRZ. Proposed new urban uses available for development are within the City of Milpitas city limits and would not be developed within an identified regional mineral resource area or mining operation and therefore would not preclude mineral extraction within existing mineral

resources area. The project would have a less than cumulatively considerable contribution to cumulative impacts on mineral resources (Impact 4.11).

12. Public Services and Recreation: The General Plan includes a range of policies and actions that would ensure that public services are provided in a timely fashion, are adequately funded, are coordinated between the City and appropriate service agency, and that new development funds its fair share of services. The General Plan includes policies to ensure that fire protection and law enforcement services keep pace with new development and that school, library, and governmental services are adequately planned and provided. Payment of applicable impact fees, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the future projects, would ensure that the City maintains acceptable service ratios. The project would have a less than cumulatively considerable contribution to cumulative impacts on public services and recreation (Impact 4.13).

13. Utilities and Service Systems: Projected water demands associated with General Plan buildout would not exceed the projected water supplies, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are less than cumulatively considerable. Projected wastewater generation volumes associated with General Plan buildout also would not exceed the projected wastewater generation volumes and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system, impacts associated with wastewater treatment and compliance with waste discharge requirements are less than significant. Regarding stormwater, the General Plan policies and actions would ensure that there is adequate stormwater drainage and flood control infrastructure to serve future development under the General Plan, and would ensure that future drainage and flood control infrastructure projects do not result in adverse environmental impacts. Future projects within the Planning Area would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. While there is adequate permitted landfill capacity to accommodate future growth, the proposed General Plan includes actions to further reduce the project's impact on solid waste services. The General Plan would not exceed the permitted capacity of the landfill serving the City, and the General Plan

complies with regulations related to solid waste. The proposed General Plan's incremental contribution to cumulative solid waste impacts would be less than cumulatively considerable. The project would have a less than cumulatively considerable contribution to cumulative impacts on utilities (Impact 4.15).

14. Wildfire: The General Plan ensures that the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed to ensure that up to date information is available to the City and the public in the event of an emergency. Important new critical facilities would also be located to ensure resiliency and functionality in the event of a natural disaster. No specific aspect as a result of implementation of the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. Furthermore, the Milpitas General Plan is a long range policy document that does not include site specific designs or proposals, and does not propose any entitlements for development. Lastly, while the City cannot state with certainty that future risks associated with post-fire flooding and debris flow would not occur in Milpitas, implementation of the General Plan would not exacerbate this risk. Implementation of Action PS-2a would reduce this risk to the greatest extent feasible, resulting in an impact that is less than significant as a result of adoption and implementation of the proposed General Plan. The project would have a less than cumulatively considerable contribution to cumulative impacts to wildfire (Impact 4.16).

- C.** The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:
- 1.** The EIR determined that the impact is less than significant for the Project.
 - 2.** The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

V. PROJECT ALTERNATIVES

The Draft EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be

discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

A. Identification of Project Objectives

An EIR is required to identify a "range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects." Chapter 2.0 of the Draft EIR identifies the Project's goals and objectives. The Project objectives include:

1. Protect and enhance Milpitas's community character, and sense of community;
2. Provide a range of high-quality housing options;
3. Attract and retain businesses and industries that provide high-quality and high-paying jobs;
4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues;
5. Continue to maintain and improve multimodal transportation opportunities;
6. Maintain strong fiscal sustainability and continue to provide efficient and adequate public services;
7. Address new requirements of State law; and
8. Address emerging transportation, housing, and employment trends.

B. Alternatives Analysis in EIR

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project Alternative**
- **Alternative 2: Modified Project Alternative**
- **Alternative 3: Increased Residential Density Alternative**

1. Alternative 1: No Project Alternative

The No Project Alternative is discussed on pages 5.0-2 through 5.0-3 and pages 5.0-5 through 5.0-7 of the Draft EIR. Under Alternative 1, the City would not adopt the General Plan Update. The existing Milpitas General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, Circulation Diagram, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning map) and the City's Design Guidelines, would not occur. The Existing General Plan Land Use Map is shown on Figure 5.0-1 of the Draft EIR.

As shown in Table 5.0-1 of the Draft EIR, Alternative 1 would result in increased housing and job growth within the Milpitas city limits when compared to existing conditions. Under Alternative 1 at full buildout, there would be an increase over existing conditions in residential growth (approximately 9,469 dwelling units) and jobs (approximately 10,181 jobs) within City limits. Under cumulative conditions, development in Planning Area combined under Alternative 1 would result in a population of 107,779 and 57,719 jobs.

Under Alternative 1, the existing General Plan policy framework would still be in effect, which would constitute a status quo approach to land use regulation in the City. The Proposed Land Use Map, along with the policy framework proposed by the General Plan Update, encourages and aims to achieve a community with a balanced land use pattern that meets the City's long-term housing, employment, and civic needs. The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas of the city, as well as new growth adjacent to existing urbanized areas. A mix and balance of uses to provide an improved ratio of local jobs to population, would ensure that development pays its fair-share of necessary roadway, public service, and other infrastructure improvements, and that provides for increased protection of natural resources would occur. The proposed General Plan was prepared in conformance with State laws and regulations associated

with the preparation of general plans, including requirements for environmental protection.

Impacts: Alternative 1 would not include updated policies, particularly those related to housing, greenhouse gases, community health, equity/environmental justice and complete streets policies to address safety, access, and mobility for all roadway users, as required by State law. This alternative would not include various policies proposed in the General Plan update to ensure protection of environmental resources, both at a project level and under cumulative conditions, consistent with the objectives of CEQA. As such, this alternative would result in greater impacts than the proposed project to: air quality, biological resources, cultural resources, geology and soils, greenhouse gases, climate change and energy, hydrology and water quality, land use and population, and transportation, due to the fact that the City would not adopt and implement the various policies and actions within the proposed General Plan that would reduce impacts to these resource categories.

Attainment of Project Objectives: Alternative 1 fails to meet several of the basic project objectives, including the following: 3. Attract and retain businesses and industries that provide high-quality and high-paying jobs; 4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues; 5. Continue to maintain and improve multimodal transportation opportunities; 7. Address new requirements of State law; and 8. Address emerging transportation, housing, and employment trends.

- a. **Findings:** The No Project Alternative is rejected on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 would not achieve the Project's objectives; (2) Alternative 1 fails to avoid the project's significant and unavoidable impacts related to transportation; (3) the alternative would result in increased impacts related to air quality, greenhouse gases, climate change and energy; and (4) the alternative is infeasible.

Explanation: This alternative would not realize the benefits of the Project and fails to achieve some of the Project objectives. Alternative 1 fails to meet several of the basic Project Objectives, including the following: 3. Attract and retain businesses and industries that provide high-quality and high-paying jobs; 4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues; 5. Continue to maintain and improve multimodal transportation opportunities; 7. Address new requirements of State law; and 8. Address emerging transportation, housing, and employment trends.

This alternative would not reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders associated with increased opportunities for economic development and job-creating land uses. This alternative would also not be consistent with the land use vision identified by city residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Advisory Committee processes.

2. Alternative 2: Modified Project Alternative

The Modified Project Alternative is discussed on pages 5.0-2 and 5.0-8 through 5.0-19 of the Draft EIR. Under Alternative 2, the City would adopt the updated General Plan policy document, but would retain the existing land use map. This alternative would result in the same growth as the existing General Plan, but would implement the updated goals, policies, and actions found in the General Plan Update (Proposed Project). This alternative was developed to potentially reduce the severity of significant impacts associated with noise, as well as the potential further reduction in less than significant impacts related to aesthetics, biological resources, cultural resources, noise, public services, air quality and utilities. As shown in Table 5.0-1 of the Draft EIR, Alternative 2 would result in approximately 1,717 fewer housing units and 5,751 fewer residents within Milpitas when compared to the proposed General Plan Land Use Map. Nonresidential square feet would be reduced by 13,276,887 square feet and employment opportunities would be decreased under this alternative, with approximately 26,614 fewer jobs created within the city limits when compared to the proposed General Plan.

As shown in Table 5.0-3 of the Draft EIR, Alternative 2 would provide for additional acres of residential only land uses and additional acres of non-residential uses (i.e., commercial, manufacturing, industrial, and business park uses) within the Planning Area. However, Alternative 2 would provide for approximately fewer acres of mixed land use. Alternative 2 offers fewer acres of and opportunities to develop mixed use pedestrian and transit-oriented land uses within the city when compared to the proposed Land Use Map.

Impacts: Alternative 2 would result in development of the existing General Plan Land Use Map, but would include adoption and implementation of all of the goals, policies, and actions contained in the Proposed General Plan. Implementation of Alternative 2 would result in increased environmental impacts to the following topical areas, when compared to the Proposed General Plan: air quality, greenhouse gases, energy and climate change, land use and population, and transportation and circulation. The

reason for the increased impacts to these environmental topics is that Alternative 2 would result in less density at buildout, and reduced opportunities for mixed-use development, which may result in higher per-capita AQ and GHG emissions, as well as higher per employee VMT, when compared to the Proposed General Plan.

Attainment of Project Objectives: Without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and doesn't not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed-use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement.

- a. **Findings:** The Modified Project Alternative is rejected as an alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 2 would not achieve the Project's objectives; (2) Alternative 2 fails to avoid the project's significant and unavoidable impacts related to transportation; and (3) the alternative is infeasible.
- b. **Explanation:** Alternative 2 meets most Project Objectives. However, without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and doesn't not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement. Thus, Alternative 2 fails to meet several Project Objectives as it retains the existing Land Use Map and designations and does not implement updated land uses that are central to meeting the proposed Project's Objectives.

3. Alternative 3: Increased Residential Density Alternative

The Increased Residential Density Alternative is discussed on pages 5.0-3 and 5.0-19 through 5.0-31 of the Draft EIR. Alternative 3 would adopt the General Plan Update, including the proposed General Plan Land Use Map and updated goals, policies, and actions. However, Alternative 3 would place more emphasis on residential development, increasing the allowed densities for the residential land uses. This Alternative would result in a 15 percent increase in the number of new residential dwelling units when compared to the proposed project, resulting in more dwelling units than the other Alternatives. This Alternative would also result in more non-residential growth than Alternatives 1 and 2, but the same non-residential growth as the proposed project. This alternative was developed to potentially reduce the severity impacts related to greenhouse gas emissions and transportation, as most new development would be within close proximity to transit and in urban build up areas, or part of a mixed use area which would help to reduce per capita VMT. Figure 2.0-3 of Chapter 2 (Project Description) of the Draft EIR shows the proposed General Plan Land Use Map.

Alternative 3 provides for a balance of job-creating and residential development land uses within the City. Alternative 3 and the proposed project would allow substantially more non-residential and residential development when compared to the existing General Plan, but Alternative 3 would increase the residential densities providing even more residential development than the proposed project. Under Alternative 3, it is assumed that the density of residential development would increase by 15 percent, resulting in 1,680 more dwelling units than the proposed project. The goals, policies, and actions of the General Plan Update would apply to subsequent development, planning and infrastructure projects under this alternative.

Impacts: Alternative 3 would result in additional residential developments, and slight increased traffic. In addition, higher density development may place more receptors and activity areas with close proximity to transportation sources and this may increase exposure to transportation noise impacts. As such, noise impacts would be slightly increased under this alternative when compared to the proposed General Plan. In addition, the increased residential development allowed under Alternative 3 would increase the total number of people potentially exposed to hazards and hazardous materials, including wildfires. Therefore, impacts to hazards and hazardous materials would be the greatest when compared to the proposed General Plan and Alternatives 1 and 2. The slightly increased development potential under this alternative as compared to the Proposed General plan would also result in increased residential building heights and densities in the Planning Area and visual impacts associated with increase building

height and bulk would be increased compared to the Proposed General Plan and other Alternatives (Alternative 1 and 2).

Attainment of Project Objectives: Like the proposed Project, Alternative 3 would satisfy all Project Objectives as it would adopt the updated policy document as well as the updated Land Use Map. This alternative would update the land use descriptions to allow greater residential densities and would allow for more growth that would be allowed under the proposed Project. Although Alternative 3 meets all Project Objectives, Alternative 3 would be slightly environmentally inferior to the proposed project, and would not reduce any significant impacts to a less than significant level.

- a. **Findings:** The Increased Residential Alternative is rejected as an alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 fails to avoid the project's significant and unavoidable impacts related to noise and transportation; (2) the alternative would result in increased impacts related to aesthetics, hazards and hazardous materials, and noise; and (3) the alternative is infeasible..
- b. **Explanation:** Like the proposed Project, Alternative 3 would satisfy all Project Objectives as it would adopt the updated policy document as well as the updated Land Use Map. This alternative would update the land use descriptions to allow greater residential densities and would allow for more growth that would be allowed under the proposed Project. Although Alternative 3 meets all Project Objectives as described throughout this section and displayed in Table 5.0-5 of the Draft EIR, Alternative 3 would be slightly environmentally inferior to the proposed project, and would not reduce any significant impacts to a less than significant level.

C. Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5.0-5 of the Draft EIR, Alternative 2 is the environmentally superior alternative as it is the most effective in terms of overall reductions of impacts compared to the proposed General Plan and all

other alternatives. As such, Alternative 2 is the environmentally superior alternative for the purposes of this EIR analysis.

As previously discussed, Alternative 2 meets some, but not all, of the Project Objectives. Without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and does not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed-use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement. Thus, Alternative 2 fails to meet several Project Objectives as it retains the existing Land Use Map and designations and does not implement updated land uses that are central to meeting the proposed Project's Objectives. For these economic, social, and other reasons, the Project is deemed superior to Alternative 2, the Modified Project Alternative.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Milpitas has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Milpitas has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to noise, and transportation, and cumulative impacts to noise, transportation, and irreversible effects.

- Impact 3.12-1: General Plan implementation may result in exposure to significant traffic noise sources (Significant and Unavoidable)
- Impact 3.14-2: General Plan implementation would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a) (Significant and Unavoidable)
- Impact 4.12: Cumulative impacts to Noise (Cumulatively Considerable and Significant and Unavoidable)
- Impact 4.14: Cumulative impacts on the transportation network (Cumulatively Considerable and Significant and Unavoidable)
- Impact 4.17: Irreversible Effects (Significant and Unavoidable)

Noise

The proposed General Plan establishes noise-related policies that, when implemented, protect sensitive receptors from significant noise. The policies that are identified in the Noise Element of the General Plan are consistent with Federal and State regulations designed to protect noise sensitive receptors. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating features. However, as shown in Table 3.12-12 of the Draft EIR, the traffic noise increases associated with the proposed General Plan would still exceed the applicable noise exposure criteria under.

Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. The related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. Therefore, the proposed General Plan would have a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the City.

Transportation

The VTA model as interpolated to 2020 conditions estimates that the current countywide average VMT for employment-based uses is 16.64 VMT per employee. The applied significance threshold of 15 percent below this baseline value equals 14.14 VMT per employee. Based on the custom runs of the VTA model to reflect implementation of the proposed General Plan, employment-based uses in Milpitas are projected to generate an average of 20.41 VMT per employee. Since this is above the applied significance threshold, the VMT generated by the employment-based development associated with the proposed General Plan would constitute a significant impact. The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to complete VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, the VMT impacts associated with employment-based uses allowed by the proposed General Plan would be considered cumulatively considerable and significant and unavoidable.

The General Plan includes policies to reduce VMT to the extent feasible. These policies primarily reduce employment-based VMT, where the significant impacts would occur, although some policies pertain to residential VMT as well. Transportation demand management (TDM) strategies would be promoted citywide, with an emphasis on implementing measures through large employers, the setting where there is the greatest potential to reduce vehicle trips. As the primary purpose of trip reduction is to support reduced greenhouse gas (GHG) emissions, policies that focus on emissions reduction are also included in the General Plan.

Irreversible Effects

One of the objectives of the proposed General Plan is to conserve natural resources within the Planning Area. Many of these policies and actions, aimed at preserving natural resources, are contained within the Conservation and Sustainability Element, and have been identified throughout the EIR. Additionally, the proposed General Plan directs most new development to

infill areas, and areas surrounding existing neighborhoods and urbanized areas. As a result, the proposed General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area, including biological resources, water resources, and energy resources, to the greatest extent feasible. More detailed and focused discussions of potential impacts to these nonrenewable resources are contained throughout the EIR.

Nonrenewable energy resources such as electricity, natural gas, propane, gasoline, and diesel would be consumed during the construction and operation of development projects contemplated under General Plan buildout. The proposed General Plan includes a variety of policies that seek to conserve, protect, and enhance energy resources. These policies focus on energy efficiency in the design, materials, construction, and use of buildings, the use of alternative energy systems, and alternative transportation modes. As described in DEIR Chapter 3.7 (Greenhouse Gases, Climate Change and Energy), the proposed General Plan would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction, operations, maintenance, and/or removal.

Irretrievable Commitments/Irreversible Physical Changes

The implementation of the General Plan would not be expected to result in environmental accidents that have the potential to cause irreversible damage to the natural or human environment through environmental accidents. While activities anticipated to occur under the General Plan would result in the limited use, transport, storage, and disposal of hazardous materials, all activities would comply with applicable state local, and federal laws related to hazardous materials transport, use, and storage, which would significantly reduce the likelihood and severity of accidents that could result in irreversible environmental damage. Implementation of the proposed General Plan would result in a commitment of land uses designated for the foreseeable future. Land use and development consistent with the General Plan would result in irretrievable commitments by introducing development onto sites that are presently undeveloped. The conversion of undeveloped lands to urban uses would result in an irretrievable loss of undeveloped land, wildlife habitat, and open space. Additionally, development will physically change the environment in terms of aesthetics, air emission, noise, traffic, open space, and natural resources. These physical changes are irreversible after development occurs.

The General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible, while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the proposed General Plan will result in significant irreversible changes. This impact is considered a significant and unavoidable impact under CEQA.

B. Benefits of the Proposed General Plan/Overriding Considerations

The City of Milpitas has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed General Plan to the extent feasible by including policies and actions in the General Plan that effectively mitigate potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

While recognizing that the unavoidable adverse impacts listed above are significant under CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The City Council therefore finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. The General Plan promotes compact and environmentally sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, resource conservation, environmental protection, and preservation of quality of life for Milpitas residents.
2. The General Plan implements principles of sustainable growth by concentrating new urban development around existing urban development, around nodes of transportation, and along key commercial and transportation corridors; thereby minimizing land consumption while maintaining open space, habitat, and recreation uses throughout the Planning Area.
3. The General Plan provides a land use map that accounts for existing development, physical constraints, open space preservation, economic development, hazards, and

incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Milpitas.

4. The General Plan improves mobility options through the support of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
5. The General Plan directs the preservation and environmental stewardship of open spaces, natural, cultural and historic resources that uniquely define the character and ecological importance of the City and greater region.
6. The General Plan addresses adverse environmental effects associated with climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.
7. The General Plan enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.
8. The General Plan is the product of a comprehensive public planning effort driven by members of the public, the General Plan Advisory Committee, city stakeholders, and the City Council through a series of public meetings, hearings and workshops that resulted in a thoughtful balance of community, economic, and environmental interests.

VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Milpitas City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable and cumulatively considerable noise and transportation impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed

General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed General Plan which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.