

CITY OF MILPITAS



455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

ATTACHMENT C

NEGATIVE DECLARATION ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA15-0001

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE TOWN CENTER DENSITY GENERAL PLAN AND ZONING TEXT AMENDMENT, LOCATED IN THE TOWN CENTER LAND USE DESIGNATION AND ZONING DISTRICT, MILPITAS, CA, WHEN IMPLEMENTED, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Town Center General Plan and Zoning Text Amendment

Project Description: The proposed project includes a General Plan and Zoning Text Amendment to the Town Center land use and zoning district. The General Plan Amendment would eliminate the description of residential uses from the Town Center Land Use Designation in the General Plan. The following sentences would be deleted from the General Plan:

“Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.”

Further, any references to residential density in the Town Center Land Use Designation would be deleted from the General Plan.

The Zoning Text Amendment would also eliminate residential uses, including live/work, from the Zoning Code. Residential and live/work uses would be deleted from Table XI-10-5.02-1; a provision would allow for existing residential and live/work units constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit or site development permit on or before February 17, 2015 would be allowed to continue. Section XI-10-13.12, as it pertains to live/work units, would also be deleted from the Zoning Code. A development project is not currently proposed.

Project Location: Town Center Land Use Designation and Zoning District, Milpitas, CA.

Project Proponent: Adam Petersen, Senior Planner, City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form (E.I.F.) and the

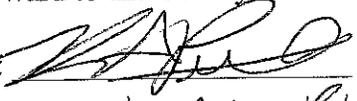
Initial Study and finds that the project will have no significant impact upon the environment, as recommended in the EIA.

Copies of the Environmental Information Form and Initial Study/Negative Declaration may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

Public Review Period: February 5, 2015 to February 25, 2015.

By: Adam Petersen
Project Planner

Forward to the County Clerk on this 5 day of February, 2015

By: 
Kenneth Adam Petersen

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Project Location: Town Center Land Use Designation and Zoning District, Milpitas, CA.

Project Proponent: Adam Petersen, Senior Planner, City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.

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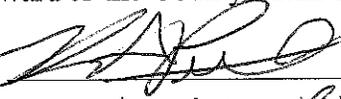
Initial Study and finds that the project will have no significant impact upon the environment, as recommended in the EIA.

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Public Review Period: February 5, 2015 to February 25, 2015.

By: Adam Petersen
Project Planner

Forward to the County Clerk on this 5 day of February, 2015

By: 
Kenneth Adam Petersen

CEQA Initial Study

- 1. Project title:** Town Center General Plan and Zoning Text Amendment
- 2. Lead agency name and address:** City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.
- 3. Contact person, title, email and phone number:** Adam Petersen, Senior Planner, apetersen@ci.milpitas.ca.gov, 408-586-3274
- 4. Project location:** Town Center land use designation and zoning district. Generally located along the Calaveras Boulevard corridor, between the Union Pacific railroad tracks and Interstate 680, City of Milpitas, CA.
- 5. Project sponsor's name and address:** City of Milpitas Planning Department, 455 E. Calaveras Blvd. Milpitas, CA 95035.
- 6. General plan designation:** Town Center (TWC)
- 7. Zoning:** Town Center (TC)
- 8. Description of project:** The proposed project includes a General Plan Amendment and Zoning Text Amendment. The General Plan Amendment would eliminate the description, density, and plans for residential uses in the Town Center Land Use Designation in the General Plan. The following sentences would be deleted from the General Plan:

“Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.”

The Zoning Text Amendment would also eliminate residential uses, including live/work, from the Zoning Code. Residential and live/work uses would be deleted from Table XI-10-5.02-1; a provision would allow for existing residential and live/work units constructed on or before February 17, 2015 and any project securing an approved tentative map, conditional use permit or site development permit on or before February 17, 2015 would be allowed to continue. Section XI-10-13.12, as it pertains to live/work units, would also be deleted from the Zoning Code. A development project is not currently proposed.

9. Surrounding land uses and setting: The Town Center district is located along the Calaveras Boulevard corridor from the Union Pacific Railroad tracks to Interstate 680 in central Milpitas. The area is characterized with a range of retail, service, entertainment, public and residential uses. The Union Pacific railroad tracks and additional commercial and service uses area located to the west; low to medium density residential uses are located to the north; Interstate 680 borders the district to the east, with commercial and residential uses beyond. Additional commercial, office and service uses are located to the south. Calaveras Boulevard is a six-lane arterial that carries high traffic volumes, particularly during the A.M and P.M. peak hours.

10. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

2/5/15
Date

Kenneth Adams Petersen
Printed Name

For

MAPS

Figure 1: Regional Map

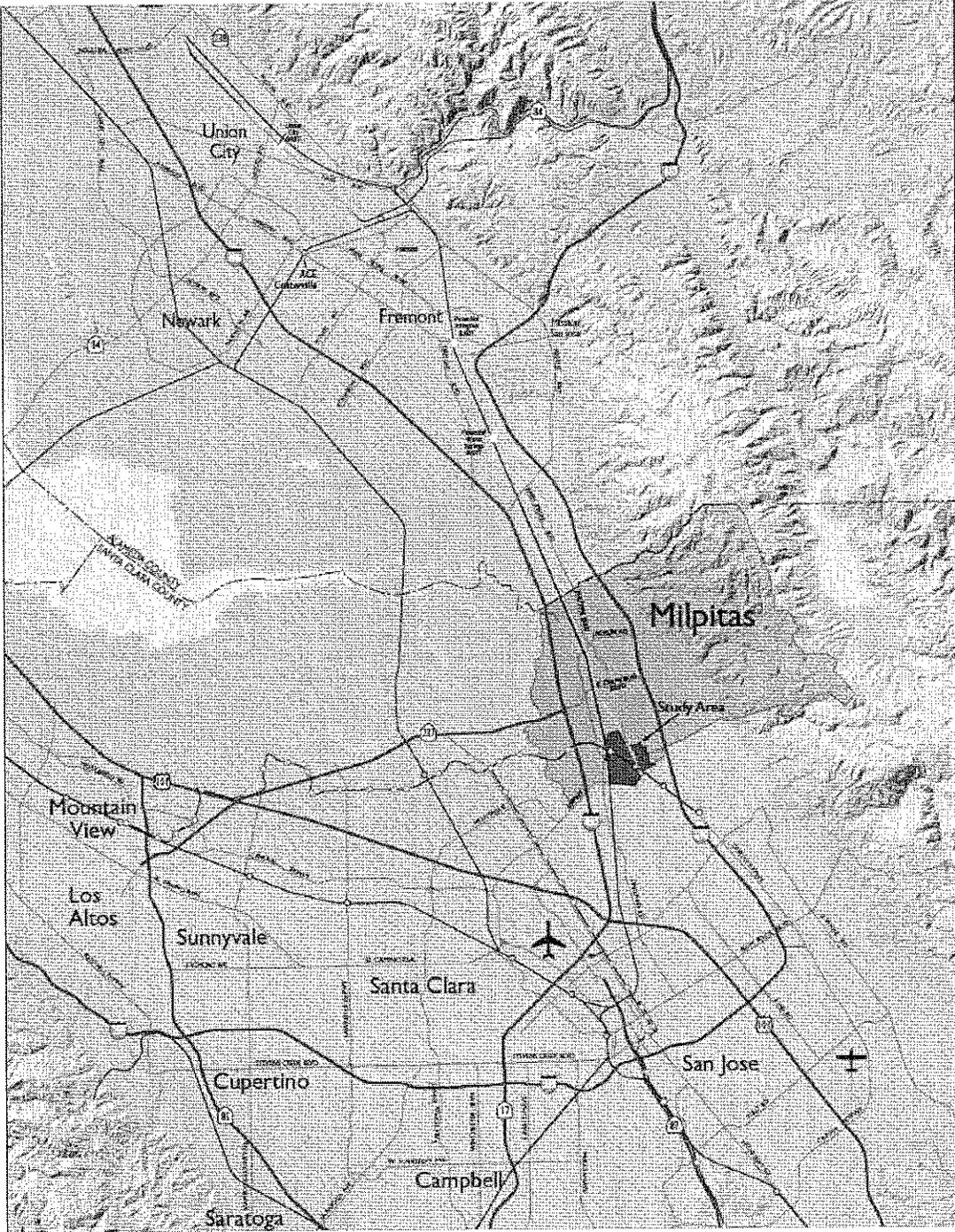
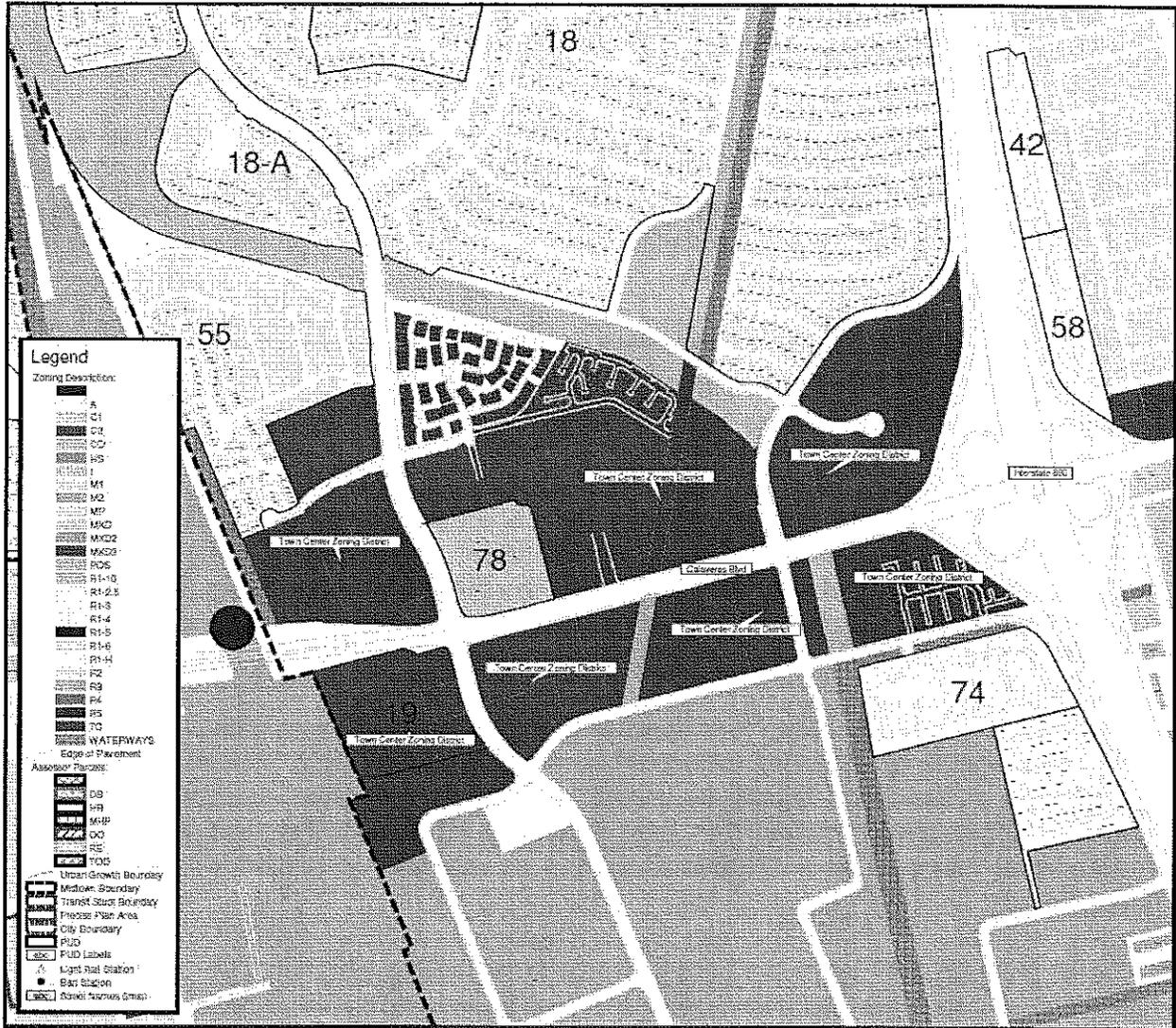


Figure 2: Vicinity Map



EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES

I. AESTHETICS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8

Environmental Setting: The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. Prohibiting new residential uses would not affect aesthetics because residential projects would not be considered under the proposed amendments. Therefore, the project would not affect scenic vistas, views or the overall visual quality of the area. Prohibiting new residential uses would not affect lighting levels or increase the amount of lighting. Hence, there would not be an impact to aesthetics.

Comment: No further comment provided.

- 1) Have a substantial adverse effect on a scenic vista?
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 3) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

II. AGRICULTURAL AND FOREST RESOURCES					
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9

II. AGRICULTURAL AND FOREST RESOURCES

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4,9

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district does not have any agricultural resources. It is characterized by an urban environment with no vacant land available for agricultural use or land considered to be prime farmland. Hence, there would not be an impact to agricultural resources.

Comment: No further comment provided.

- 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?

4) Result in the loss of forest land or conversion of forest land to non-forest use?

5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

III. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. Since residential uses typically have a greater impact on air quality through increased energy consumption and a greater reliance on the single-occupancy vehicle, disallowance of this use would not impact air quality and may have a beneficial impact. Hence, there would not be a significant impact to air quality as a result of the proposed land use policy change.

Comment: No further comment provided.

- 1) Conflict with or obstruct implementation of the applicable air quality plan?
- 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?
- 4) Expose sensitive receptors to substantial pollutant concentrations?
- 5) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district is characterized by an urban environment with no vacant land available for development. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided, which do not present biological resources. Hence, there would not be an impact to biological resources as a result of this land use policy change.

Comment: No further comment provided.

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?

- 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district is characterized by an urban environment with no vacant land available for development. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Hence, there would not be an impact to cultural resources as a result of this land use policy change.

Comment: No further comment provided.

- 1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?
- 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

- 3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 4) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 11, 12, 13

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to eliminate future residential uses would not have a significant impact on geology and soils.

Comment: No further comment provided.

- 1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)
 - b) Strong seismic ground shaking?
 - c) Seismic-related ground failure, including liquefaction?
 - d) Landslides?
- 2) Result in substantial soil erosion or the loss of topsoil?

- 3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. Since residential uses typically have a greater impact on air quality through increased energy consumption and a greater reliance on the single-occupancy vehicle, disallowance of this use would not impact air quality and may have a beneficial impact. Hence, there would not be a significant impact to greenhouse gas emissions by this land use policy change.

Comment: No further comment provided.

- 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

VIII. HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

VIII. HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to eliminate residential uses would not have a significant impact on hazards or hazardous materials.

Comment: No further comment provided.

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?
- 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2, 14
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 14

IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone. The Town Center district is characterized by a mixed-use urban environment. The change in land use policy to eliminate residential uses would not have a significant impact on hydrology or water quality because future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided.

Comment: No further comment provided.

- 1) Violate any water quality standards or waste discharge requirements?
- 2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?
- 4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?
- 5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

- 6) Otherwise substantially degrade water quality?
- 7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 10) Be subject to inundation by seiche, tsunami, or mudflow?

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4

Environmental Setting:

The Town Center land use is described as a...”meeting and market place, home of commercial and professional firms, entertainment area and place for restaurants and hotels”...in the City’s General Plan. It also states that...”very high residential densities (i.e. up to 40 units per acre) may be permitted to provide economic support to the commercial uses.” The General Plan Amendment would remove portion of the General Plans that facilitate residential development in the Town Center. This amendment would not allow new residential uses in the Town Center Zone.

The project would have no impact on physically dividing an established community because the project does not propose physical improvements to any sites in the Town Center. Further, the proposed Zoning Text Amendment incorporates provisions that allow existing and previously approved residential uses and live/work units to continue. Future commercial projects would be confined to the properties they are proposed for, and projects under the proposed amendments would be evaluated to ensure they do not divide established communities.

The proposed General Plan Amendment would not result in the allowance of new residential product types or uses. The intent of the project is to no longer permit any new residential development in the Town Center, regardless of the project type. The change in land use policy to not allow new residential uses in the Town Center district would not have a significant impact on overall land use in the City since attached, detached, and mixed-use residential is allowed in other districts. As discussed previously, live/work units would be protected under an amendment to the Zoning Code that would allow existing and previously approved units to continue. The proposed Zoning Code amendment ensures that there is consistency with the proposed General Plan Amendment. Therefore, there are no inconsistencies in the City’s plans and the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

The project would have no impact to a habitat conservation plan or natural community plan because there are no plans that contain the Town Center within their scope.

Comment: No further comment provided.

- 1) Physically divide an established community?
- 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI. MINERAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)

Would the project:					
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone, which is not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. There are no mineral resources identified in the Town Center district, therefore the change in land use policy to prohibit new residential uses would not have a significant impact on mineral resources.

Comment: No further comment provided.

- 1) 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?
- 2) 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?

XII. NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6

XII. NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to prohibit new residential uses would not have a significant impact on the noise environment.

Comment: No further comment provided.

- 1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?
- 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- 7) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XIII. POPULATION AND HOUSING					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of

the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Limiting the proliferation of residential uses would control unplanned population growth in the Town Center. Further, the Milpitas Housing Element does not anticipate using a Town Center sites for residential development. Therefore, prohibiting new residential development would not impact the City’s plans to accommodate and plan for future housing growth. Hence, there would not be an impact to population and housing.

Comment: No further comment provided.

- 1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment with public services already provided. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. Further, residential uses typically place a higher burden on public services, hence, the change in land use policy to prohibit new residential uses would not have a significant impact on public services.

Comment: No further comment provided.

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - a) Fire Protection?
 - b) Police Protection?
 - c) Schools?
 - d) Parks?
 - e) Other public facilities?

XV. RECREATION					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 8

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The amendments would not support new residential projects. Therefore there would not be a demand for park facilities. New projects subject to the proposed amendments would be commercial, office, entertainment and retail type uses. These uses are not subject to park development impact fees because these fees are intended to offset any potential impact caused by new residential development. Further, these fees ensure adequate parkland for new residents. The change in land use policy to prohibit new residential uses would not have a significant impact on recreation.

Comment: No further comment provided.

- 1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 16
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and transportation infrastructure already provided. According to the Institute of Transportation Engineers, Trip Generation Rates, single-family residential uses average 9-10 trips per weekday. Trip generation rates for higher density residential product types, such as attached townhomes, condominiums and apartments, range between 4-7 trips per weekday. These uses would not be permitted in the Town Center Zone while the existing range of uses would continue. This suggests a lower generation of trips as a result of the proposed General Plan and Zoning Text Amendment and less demand on the transportation system.

Therefore, the change in land use policy to prohibit new residential uses would not have a significant impact on transportation or traffic.

Comment: No further comment provided.

- 1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

- 5) Result in inadequate emergency access?
- 6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

XVII. UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

XVII. UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility and infrastructure services already provided. The change in land use policy to prohibit future residential uses would not have a significant impact on utilities and service systems.

Comment: No further comment provided.

- 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 5) 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?
- 6) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?
- 7) Comply with federal, state, and local statutes and regulations related to solid waste?

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A

Environmental Setting:

The project includes eliminating the density, description and provisions facilitating residential uses in the Town Center General Plan Land Use Designation and Zoning District. The intent of

the project is to prohibit new residential uses in the Town Center Zone which are not appropriate given the intensive mix of uses and activities currently allowed. The Town Center district is characterized by a mixed-use urban environment. Future projects would be developed as in-fill projects on previously disturbed land with utility, transportation and infrastructure services already provided. The change in land use policy to limit certain residential uses would not have a significant impact on the environment nor does it have impacts that can be considered cumulatively.

Comment: No further comment provided.

- 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 4) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?
- 4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

SOURCES

General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H, 06085C0080H, 06085C0086H, and 06085C0087H*
15. Transit Area Specific Plan Final Environmental Impact Report, June 2008
16. Institute of Transportation Engineers, *Trip Generation Rates*, 8th Edition, Trip Generation Report, 2008.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

