

**CITY OF MILPITAS
Initial Study**

1. Project title: Ulferts Center Zoning Amendment

2. Lead agency name and address: City of Milpitas, Planning & Neighborhood Services Department, 455 E Calaveras Blvd., Milpitas, CA 95035

3. Contact person and phone number: Marge Sung, Assistant Planner, 408-6-3277, msung@ci.milpitas.ca.gov

4. Project location: Barber Lane, located southwest of I-880 and Highway 237 (APNs: 086-01-035 and 086-02-090)

5. Project sponsor's name and address: Ulferts Center USA Inc., Karen Kam, 668 Barber Lane, Milpitas, CA 95035

6. General Plan Designation: General Commercial (GNC)

7. Zoning: Agricultural (A)

8. Description of project: The project includes rezoning the project site from Agriculture to General Commercial; completion of a shared parking agreement; and construction of a 58-space ancillary parking lot to support the existing Ulferts Center and existing and future restaurant/food uses located to the north of the project site. The following entitlements are necessary for the proposed project:

- *Zoning Amendment:* To amend the Zoning Map to be consistent with the General Plan, and to allow the proposed parking lot by rezoning 0.68 acres from Agricultural to General Commercial;
- *Conditional Use Permit:* For a shared parking agreement between the Ulferts Center and San Francisco Public Utilities Commission (SFPUC) property.
- *Site Development Permit:* To evaluate the site layout and landscaping for a new parking lot.

9. Surrounding land uses and setting:

The 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, to the west by Cisco Systems Business Park and to the south by Cisco Systems Family Connection facility. The General Plan Map designates the site as General Commercial (GNC). The Zoning Map designates the site as Agricultural (A). Abutting properties are designated and Zoned General Commercial to the north, and Industrial park to the west and south.

The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for regional water distribution and monitoring. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees located along the south property line.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

San Francisco Public Utilities Commission, Pacific Gas & Electric.

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.

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Marge Sung
Signature

11/7/14
Date

Marge Sung
Printed Name

11/7/14

MAPS

Figure 1: Regional Map

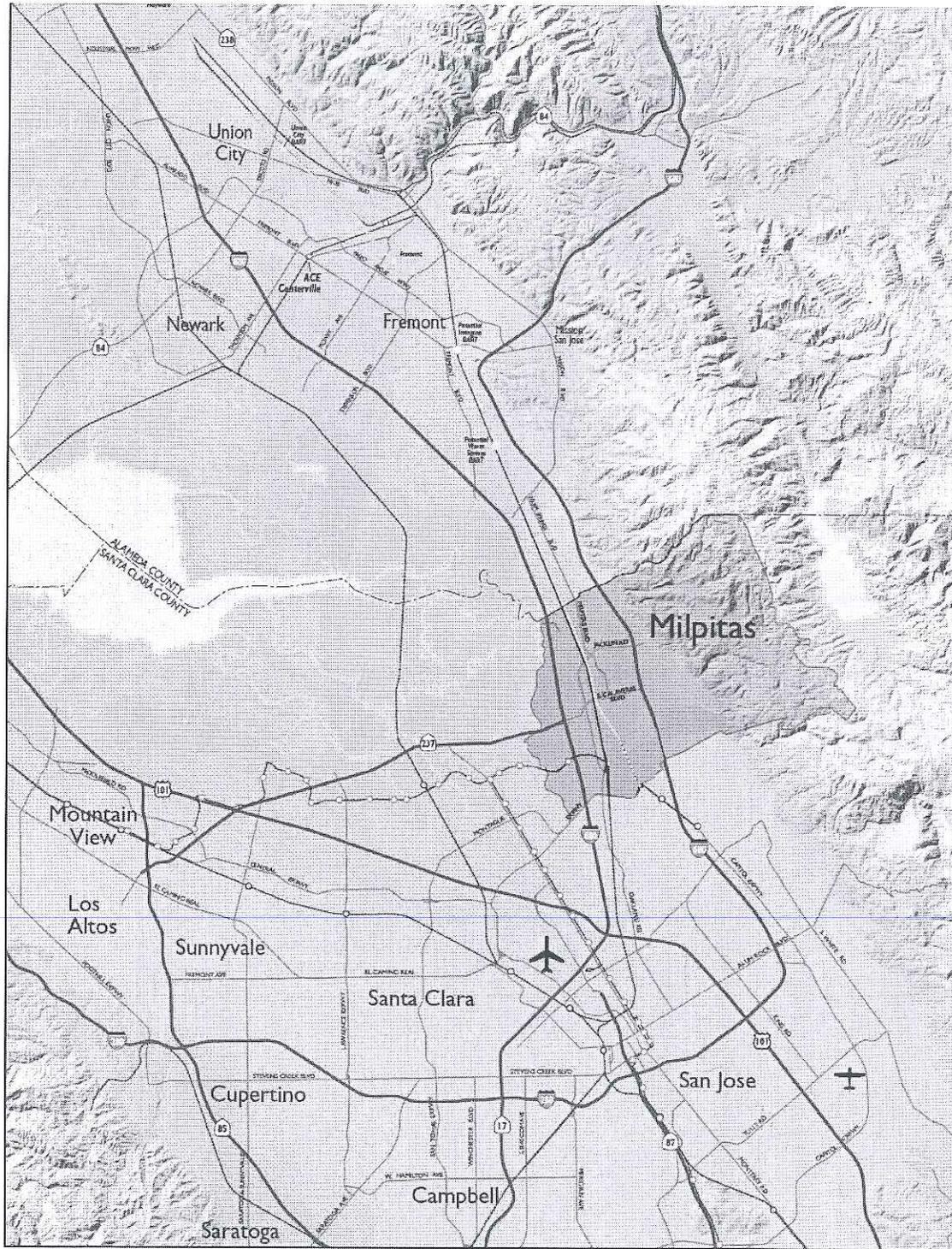


Figure 1-1

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Figure 2: Zoning Map

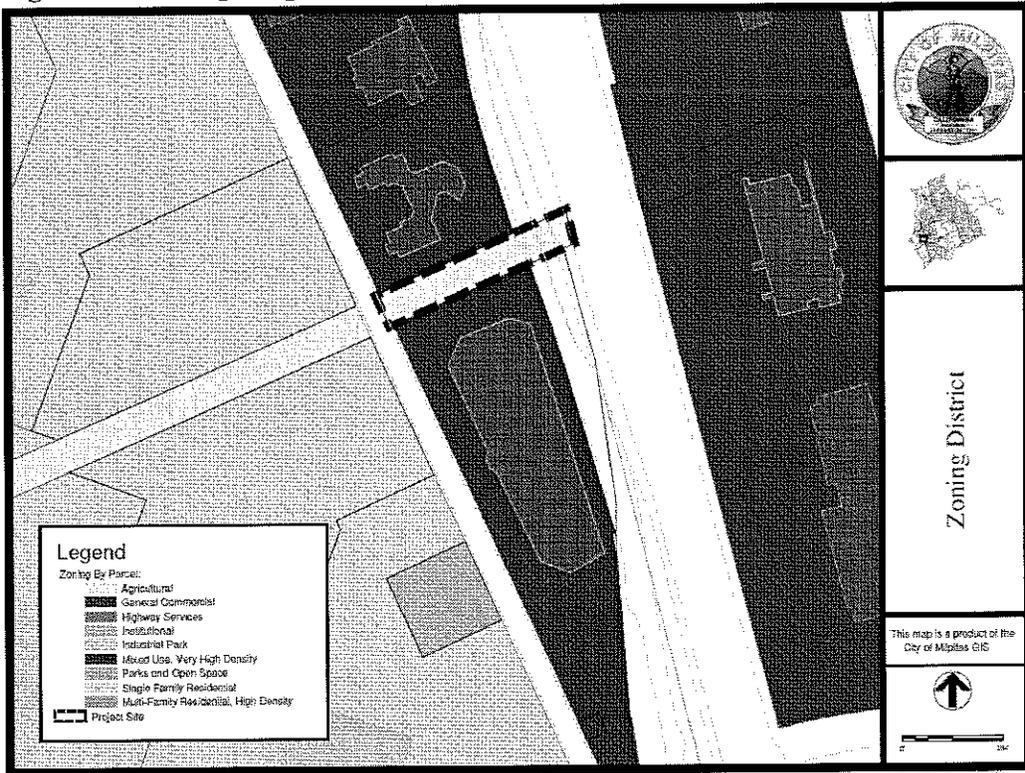


Figure 3: Vicinity Map

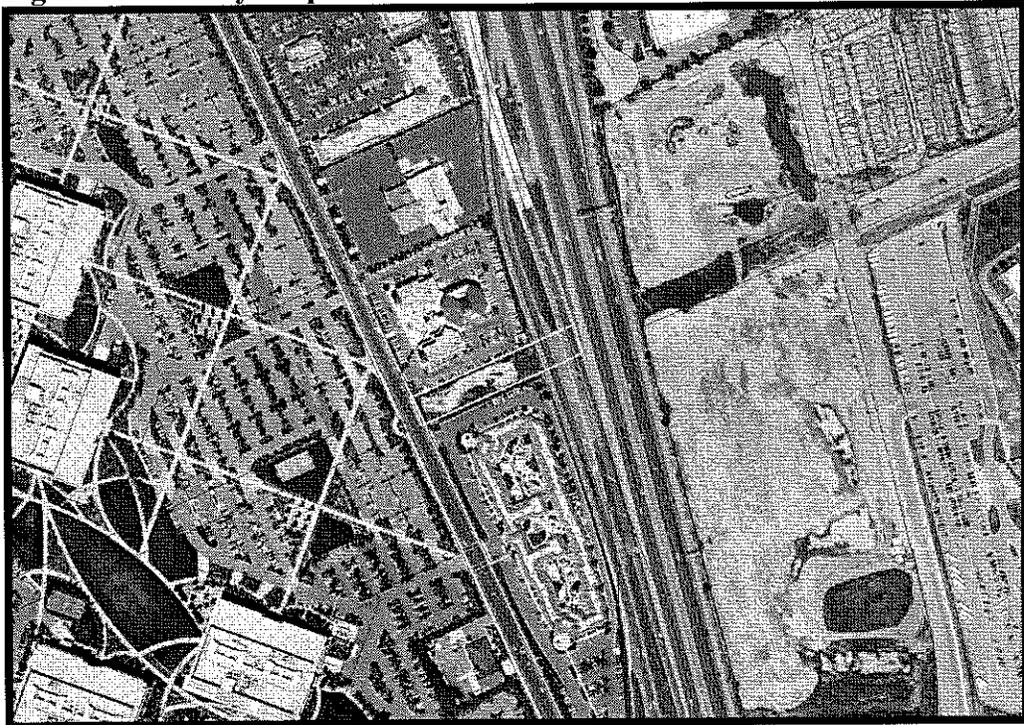


Figure 4: Project Site Aerial and Photos



Looking North



Looking South



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 checked="" type="checkbox"/>	<input 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 undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by I-880. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south. The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for regional water distribution and monitoring. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees on the south property line.

The proposal includes grading and paving the property to construct a new parking lot with 58 parking stalls, 14 motorcycle stalls, and pedestrian pathway with crosswalk to provide access through the existing Ulferts Center parking lot to the shopping center located north of the property. Parking lot lighting will be located on the property just north of the site, which will provide enough lighting on site without the foot candle bleeding into neighboring properties. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot. An ancillary parking lot is compatible with the commercial and industrial uses surrounding the property. By developing the property, it will help keep the landscaping maintained.

Comment:

- 1) Have a substantial adverse effect on a scenic vista?

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The project site is located within the Scenic Connector near I-880 per the General Plan figure 4-6. A Scenic Connector is a designated street connecting or providing access to scenic corridors (scenic corridors - located along designated streets that pas through an area of scenic value) or distant views.

A scenic connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However special design treatment – which may include roadside landscaping, undergrounding of utility lines, and street furnishings will be carried out to provide a visual continuity with the Scenic Corridors.

The landscaped parking lot will provide consistency of a commercial and industrial use along I-880 and the landscape plan shows compatibility with the surrounding landscaping. As mentioned, the property is currently a field of weeds and dense trees. This will give the property a developed “finished” look like as well as maintained and therefore will have a less than significant impact.

2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

At the south end of the site are matured trees, however the rest of the property is unmaintained dirt and weeds. The proposal includes constructing a landscaped small parking lot that will provide consistency and compatibility to the neighboring properties. Due to the lack of maintenance for the site, the project will enhance the scenic highway by developing the site and keeping it maintained, hence no impact.

3) Substantially degrade the existing visual character or quality of the site and its surroundings?

The proposal will enhance the character and quality of the site by finishing the underutilized 0.68 acre site with a heavily landscaped small parking lot, therefore no impact.

4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The parking lot will be lit by the existing parking lot lighting located to the north of the site (Ulferts Center). This will provide enough lighting for the new parking lot and will eliminate the foot candles bleeding onto other properties and therefore will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, hence no impact.

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
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Environmental Setting:

The 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for regional water distribution and monitoring. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees on the south property line. The property is not utilized for agricultural uses nor is it a forest resource.

Comment:

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?

Although the property is Zoned Agricultural, the property is not utilized for agricultural uses. The site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance and therefore will have no impact.

2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is zoned for agricultural. However the site is owned by San Francisco Public Utilities Commission and has easements on the property so they can maintain and monitor the three existing vent riser monitor wells. The site is not a part of the Williamson Act contract. The project includes rezoning the site to General Commercial to be consistent with the General Plan and therefore has a less than significant impact.

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)?

The project site is not zoned for forest land or near forest land and therefore will not result in the loss or conversion of forest land. Hence no impact.

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

The project site is not zoned for forest land or near forest land and therefore will not result in the loss or conversion of forest land. Hence no impact.

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?

The project site is zoned Agricultural, however is not utilized for farmland or agricultural uses and therefore will have no impact on the conversion of farmland. The property is not designated as forest land or located near forest uses and therefore will not result in the conversion of forest uses, hence no impact.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

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Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NO_x) sulfur dioxide, and particulate matter.

Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

In accordance with California Statute, Government code 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the congestion Management Agency (CMA) for Santa Clara County and maintains the county’s CMP.

Comment:

1) Conflict with or obstruct implementation of the applicable air quality plan?

The BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting.

The project is for a new 0.68 acre parking lot with 58 spaces and 14 motorcycle spaces to support the conversion of retail space (5,720 square feet) into restaurant space at the existing Ulferts Center to meet the parking requirements as stated in the Zoning Ordinance XI-10-53 for “Off Street Parking Regulations.” Per the Institute of Transportation Engineers, Trip Generation, 7th Edition, The project will not generate more than 2,000 vehicle trips per day and therefore, per BAAQMD, is not require a detailed air quality analysis and will not conflict with or obstruct implementation of the air quality plan and therefore has no impact.

2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The project generates less than 2,000 vehicle trips per day and. Per the ITE trip generation estimates, the project is under the BAAQMD air quality threshold to require a detailed air quality analysis and therefore will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. Hence no impact.

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?

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Construction-related air quality impacts associated from the project would be the result of dust creating activities and exhaust emissions of construction equipment. Due to the negligible amount and short duration of these impacts, all are considered to be less than significant, except for the activities generating dust. Construction activities such as, excavation and grading operations and construction vehicles driving over and wind blowing over exposed earth, generate fugitive particulate matter that will affect local and regional air quality. The effects of these dust generating activities will be increased dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust also has the potential for creating a nuisance at nearby properties. If uncontrolled, dust generated by construction activities could be a significant impact. The following mitigations measures will control the construction related impacts and reduce the impact to less than significant with mitigation.

Mitigation Measure AIR-1:

BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices shall be implemented during construction of the proposed project:

- a) Water all active construction areas at least twice daily.
- b) Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction site.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- g) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- h) Install sandbags or other effective erosion control measures to prevent silt runoff to public roadways.
- i) Replant vegetation in disturbed areas as quickly as possible.

4) Expose sensitive receptors to substantial pollutant concentrations?

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no sensitive receptors in proximity to the project

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site. The mitigation measures will reduce the construction related air quality impacts to less than significant with mitigation and will be temporary.

5) Create objectionable odors affecting a substantial number of people?

The project and the projected amount of waste generated from the Center has been reviewed by the Public Works department and will require a new trash enclosure demonstrating sufficient storage of waste generated from the existing and proposed restaurants as a condition of approval. A new trash enclosure with the appropriate amount of storage space will allow for all waste to be stowed inside the container and therefore will not create objectionable odors that may affect the nearby businesses. Commercial restaurants are required by building code to incorporate exhaust or grease hoods over cooking stations to properly ventilate the steam that is created from cooking over a stove or fryer. The vent allows for an attachment called a scrubber which substantially reduces the odors from food being cooked. As conditioned, the new restaurant space will incorporate a hood with scrubber to reduce odors from cooking, and therefore will have no impact.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for monitoring the utilities threv three existing vent risers with monitoring wells. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees on the south property line.

Comment:

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?

The site location abuts I-880 to the east and is surrounded by developed commercial and business park type uses. The current property is dirt with weeds and matured trees at the south of the property. The potential for special-status animal species to exist on the project site is low to none due to lack of suitable habitat and/or existing surrounding development. A biologist survey was done, and that no burrowing owls or habitat was noted. The potential for special-status plants to exist on the project site is low due to lack of suitable habitat and existing surrounding development. The following mitigation measure will verify if there are special status plants and reduce the impact to less than significant. A biologist report was prepared and completed by H.T. Harvey & Associates on October 29, 2014. See Attachment B.

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Mitigation Measure BIO-1: Under the direction of the City of Milpitas Planning Division appropriately timed surveys shall be conducted by a qualified biologist according to protocols acceptable to USFWS and CDFG to determine the presence/absence of special status plant species. Surveys to detect the presence of special status plant species shall be conducted during the appropriate blooming period for each species. While only marginally suitable conditions exist for these species, surveys shall be conducted to ensure that they are absent from the site. If these surveys do not detect the presence of these or any other special status plant species, no further mitigation measures will be necessary. These plants can only be detected in the absence of disking, and any such survey shall be done prior to site disturbance. If special status plant species are detected, CDFG shall be contacted and appropriate protocols for relocating these plants shall be implemented. If identified, a rare plant mitigation and monitoring plan shall be developed to provide for the long-term protection of special status plant species believed present, per the above mitigation measure. The mitigation and monitoring plan for the plant species present would be prepared and, after review and approval by the City of Milpitas, the plan shall be implemented. The plan shall have provisions for either preservation in place or salvage of plant materials. The plan shall provide for the long-term persistence of a sustainable population of that plant species in the designated preserve area on the development property or on a similarly dedicated and preserved area in the general vicinity of the development. The plan shall contain funding and functional assurances for the maintenance and monitoring of the plants along with performance standards. The plan shall be implemented either before or concurrently with ground disturbing activities on the development property. The CDFG requires a 10-day notification period prior to any grading or earthworks that will affect a listed plant species. Therefore, prior to construction a survey and staking of the any rare plants on site would be required so that salvage of said plant material could be accomplished by CDFG.

Mitigation Measure BIO-2: Prior to any disking for fire or weed control or any demolition or construction activities, a burrowing owl survey shall be conducted. This will include completion of a burrowing owl nesting/occupancy survey on the development property. As established by the CDFG, burrowing owl surveys shall be conducted by walking suitable habitat on the entire property and (where possible) in areas within 150 meters (approximately 500 ft) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors such as noise and vibration (heavy equipment, etc) during project construction. Pedestrian survey transects shall be spaced to allow for 100 percent visual coverage of the ground surface. The distance between transect center lines shall be no more than 30 meters (approximately 100 ft.) And shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. If disking is to occur, all burrowing owl nests will be identified through the above survey process and a 250-foot radius established around the site where no disking will be conducted. Each burrowing owl nest site and associated escape burrows will be protected by the 250-foot buffer zone.

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?

A riparian habitat is a wildlife habitat found along the banks of a river, stream, lake or other body of water. The project site is a 0.68 acre rectangular shaped parcel that is undeveloped with dense weeds and large mature trees on the south property line. The site is bound to the east by I-880 and abutting properties are developed shopping centers and business park businesses.

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The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for monitoring the utilities through three existing vent risers with monitoring wells. The property is not located on or near a 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 and therefore has no impact.

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?

No wetlands, as defined by the federal Clean Water Act or the California Fish and Game Code, are present on-site, therefore there will be no impact.

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?

The project site is an undeveloped field with weeds and mature trees along the south side of the property. It is bound to the east by I-880 with a commercial center to the north, and Business Park to the west and south. Although there are no special-status bird species known to inhabit the area, both state and federal laws protect birds and their nests and eggs. There are a number of large mature trees located along the south property line that are suitable for nesting and the removal of these trees during nesting season could potentially be considered a significant impact. Noise resulting from the construction of the proposed project during breeding season could disrupt nesting activities as well and could result in a loss of an occupied special-status or migratory bird nest and would then be considered a potentially significant impact. However, with implementation of Mitigation Measure BIO-1, which requires a preconstruction survey and contingency measures, the impacts of tree removal and construction would be reduced to a less than significant level.

Mitigation Measure BIO-3: If construction of the proposed project would commence anytime during the nesting/breeding season of native bird species (typically February through August), a pre-construction survey of the project site and vicinity for nesting birds shall be conducted. The survey shall be conducted by a qualified biologist (i.e., experienced with the nesting behavior of bird species of the region) two weeks before the commencement of construction activities. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present within the construction zone or within 500 feet of the construction zone. The survey area shall include all trees, shrubs, and buildings in the construction zone and a surrounding 500 foot area.

If active nests are found in areas that could be directly affected or are within 500 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zone and types of construction activities restricted within them will be determined by the qualified biologist taking into account factors such as the following:

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- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity.
- Distance and amount of vegetation or other screening between the construction site and the nest.
- Sensitivity of individual nesting species and behaviors of the nesting birds.
- Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or another appropriate barrier and construction personnel shall be instructed on the sensitivity of the nest areas.

5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Chapter X-2 of the Milpitas Municipal Code provides protection for trees trunks of 37 inches or greater circumference of measured 4.5 feet from the ground located on a vacant, undeveloped, or underdeveloped property. The project site contains mature trees along the south edge of the property. To prevent conflict with local ordinances, the following mitigation measure will insure that the project will have no impact or a less than significant impact with the planting of new trees.

Mitigation Measure BIO-4: Prior to removal of any trees, a tree survey shall be conducted by a professional and shall include but not limited to the following:

- The location of the tree;
- Size of tree trunk circumference measured 4.5 feet from the ground; and
- Type of species.

If none of the trees to be removed are deemed protected trees, the project would not conflict with any applicable policies protecting biological resources, such as a tree preservation policy or ordinance and therefore would have no impact. If trees are deemed protected, the project will incorporate the planting of new trees (15" box minimum) at a 3:1 ratio to mitigate the impact as less than significant. If there is not enough room on the project site for the new trees, the applicant shall work with the City on a new location for those trees.

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?

The project site is not located within the area covered by the SCVHP and therefore there will be no impact.

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 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

The primary impact that could occur would be disturbance of unknown cultural resources during grading and/or development of property. Existing national, state and local laws as well as policies contained in the General Plan would reduce these potential impacts on historic and archaeological resources, if found, to less than significant levels.

The proposed project includes disturbance of soils for trenching, site grading and other construction activities. Although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be applied to the project as described below under section 2 below. The proposed project, with the implementation of the mitigation measure, would not result in significant impacts to cultural resources.

Comment:

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

The project site is not located on or near an area of historical significance as defined in §15064.5 and therefore the project will have no impact.

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

Mitigation Measure: *The proposed project shall implement the following standard measure:*

Mitigation Measure CUL-1: As required by County ordinance, this project has incorporated the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- 3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

The project site is not located on or near and area unique paleontological or geologic resource/feature and therefore will have no impact.

- 4) Disturb any human remains, including those interred outside of formal cemeteries?

There is no record of the site being utilized for a cemetery, however it is inconclusive as to if the site was utilized as a barrel site outside the formal cemetery process. The project proposal will require grading and trenching on site. Although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be applied to the project as described in mitigation measure CUL-1 above and therefore will have a less than significant impact.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?					
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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
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

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: 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 site is not located on a mapped geotechnical hazard zone (i.e. compressible, expansive, liquefiable or unstable soils) per the General Plan Figure 5-1, however is located within a liquefaction-prone zone per figure 5-2. The project site is not located within a fault rupture zone, the Alquist-Priolo Special Study Zone, or landslide hazard zone.

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions. Geologic conditions on the site will require that the new buildings be designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking and liquefaction on the site.

Any proposed development will be designed and constructed in accordance with a design level geotechnical investigation prepared for the site, which will identify the specific design features that will be required for the project, including site preparation, compaction and lime treatment of subgrade solid, fill replacement and compaction, trench excavations, surface drainage, flexible pavements, slabs-on-grade and curbs, and landscape retaining walls. With implementation of recommendations in the design level geotechnical report, the project will not expose people or property to significant impacts associated with geologic or seismic conditions on site.

Comment:

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.)

Although the site is not located within the Alquist-Priolo Earthquake Fault Zone, it is located within the Santa Clara County Zone 4 which is the most seismically active zone. Geologic

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conditions on the site will require that new construction, including paving, is designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking and liquefaction on the site. Therefore there is a less than significant impact.

b) Strong seismic ground shaking?

The project site is located within the Santa Clara County Zone 4 which is the most seismically active zone and during an earth quack could experience significant ground shaking. Geologic conditions on the site will require that the new construction, including paving, be designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking and liquefaction on the site. Therefore there is a less than significant impact.

c) Seismic-related ground failure, including liquefaction?

The project site is not located on a geotechnical hazard zone (i.e. compressible, expansive, liquefiable or unstable soils) per the General Plan Figure 5-1, however is located within a liquefaction-prone zone per figure 5-2. Geologic conditions on the site will require that new construction, including paving, is designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking and liquefaction on the site. Therefore there is a less than significant impact.

d) Landslides?

The project site is located on the valley floor and the land is generally flat. The project site is not located within a landslide hazard zone and therefore will have no impact.

2) Result in substantial soil erosion or the loss of topsoil?

The project site is located on the valley floor and the land is generally flat and will not require more than 5% of cut and fill and grading for a parking lot, hence no impact.

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?

The project site is not located on soils that are considered unstable or within a hazard zone and because the property is relatively flat, there is not concern for onsite landslides therefore the construction and use of a new parking lot will have no impact.

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?

The project site is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), hence no impact.

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?

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The project site is located on the valley floor and the new parking lot will not require additional wastewater disposal systems other than the City water and sewer systems and therefore has no impact.

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 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

The Bay Area Air Quality Management District (BAAQMD) published a Source Inventory of Bay Area Greenhouse Gas Emissions in November 2006. This report compiles direct emissions due to human activities from both stationary and mobile sources in the Bay Area. It also states that an increase in vehicle emissions associated with an increase in vehicle trips, may have a cumulative impact on global climate change when combined with emissions throughout California, the nation, and across the globe. Gases that trap the heat in the Earth’s atmosphere are called green house gases (GHG).

The BAAQMD does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting. BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. According to the BAAQMD CEQA guidelines, a project that generates more than 80 pounds per day of ozone precursors (i.e., reactive organic gases (ROG) and nitrogen oxides) is considered to have a potentially significant impact on regional air quality. On an annual basis, the threshold is 15 tons per year. For a project that does not individually have significant operational air quality impacts, the determination of a significant cumulative air quality impact is based upon an evaluation of the consistency of the project with the local general plan and of the general plan with the most current Clean Air Plan (CAP). The project does not individually have significant operational air quality impacts and will generate less than 2,000 vehicle trips per day (See XVI. Transportation /Traffic section of this report for more detail on trip generation) and therefore will not have an impact to GHG emissions.

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Comment:

1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The project will not generate more than 2,000 vehicle trips per day. Per BAAQMD, the project does not warrant a detailed air quality analysis and has a less than significant impact.

2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The project does not conflict with any applicable plan, policy or regulation of an agency for the purpose of reducing the emissions of greenhouse gasses and therefore will have no impact.

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 65862.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south. The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for regional water distribution and monitoring. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees on the south property line.

The project site is not in proximity to a school, airstrip or open wildlands. In addition, the proposal for a new parking lot is to support the existing Ulferts Center for the use of customer parking only. The project would not involve the use, transport or disposal of hazardous materials, therefore it is anticipated there would be *no impact*.

Construction activities may involve use and transport of hazardous materials, including building demolition debris containing asbestos. Since the site is undeveloped and there is no demolition required, there will not be a concern with demolition debris and therefore will have no impact.

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Comment:

1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The site plan shows the ancillary parking lot entrance opening into the south end of the existing Ulferts Center parking lot. There is no access to the parking lot from Barber Lane and will deter trucks that are traveling on the approved truck route per the General Plan Figure 3-3 (2010). The new parking lot is to be utilized by customers visiting the Ulferts Center and will not be utilized as a disposal site of hazardous materials, thus no impact.

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?

The new parking lot will be for customers visiting the Ulferts Center and will not be utilized as storage for hazardous materials and therefore has no impact.

3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The new parking lot will be for customers visiting the Ulferts Center and will not be utilized as storage for hazardous materials and therefore has no impact.

4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65862.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65862.5. In addition, the ancillary parking lot will not store hazardous materials and therefore will have no impact.

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?

The project site is not located within an airport land use plan or within two miles of a public airport therefore will have no impact.

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?

The project site is not located within a private airstrip, therefore will have no impact.

7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The project site is an undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by I880 and abuts business park uses to the west and south. The site is not a part of an adopted emergency response plan or evacuation plan and therefore will have no impact.

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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?

The project site is an undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by I880 and abuts business park uses to the west and south. The project site is not considered wildlands, nor located adjacent to wildlands and therefore will have no impact.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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
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

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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:					
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
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 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Water quality in California is regulated by the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System, which controls the discharge of pollutants to water

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bodies from point and non-point sources. Local oversight of water quality has been delegated to the Regional Water Quality Control Boards throughout California.

The property is located within Zone X which has a .2% change of flooding. The site is currently undeveloped and site improvements include updating the drainage system to be compliant with Storm Water Control Best Management Practices.

Construction activities such as excavation and grading operations, use of construction vehicles, and windblown exposed earth could potentially affect the water quality. In order to prevent impact to water quality the City requires a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. This will reduce the construction impacts to less than significant with the mitigation measures listed below.

Comment:

1) Violate any water quality standards or waste discharge requirements?

During construction of the proposed project, there is a potential for increased erosion, sedimentation, and discharge of polluted runoff from the site. However, in compliance with NPDES regulations, the construction contractor would be required to implement a SWPPP, which will include erosion and pollution control measures to control the release of pollutants and sediments to receiving waters, making construction activities a less than significant impact. See mitigation measures above.

The project would increase the amount of impervious surfaces on the project site that would increase the amount of runoff generated on the site. The drainage is subject to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. This permit requires permittees to comply with the discharge prohibitions and receiving water limitations through the timely implementation of control measures and other actions as specified in the permit (San Francisco Bay RWQCB 2009). Development would be required by law to comply with applicable NPDES requirements for stormwater quality. Therefore, the development of the proposed project would not result in any storm water discharges that would violate water quality standards or waste discharge requirements, thus no impact

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)?

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Parking lots with landscaped planters will utilize recycled water for the planters from the existing City supply. Parking lots do not require a large amount of water usage and therefore will not have an effect on the groundwater table level, thus no impact.

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?

The project site is located in a developed area on the valley floor. The site is an undeveloped 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property.

The project would increase the amount of impervious surfaces on the project site that would increase the amount of runoff generated on the site. The drainage is subject to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. The project requires a Storm Water Control Plan (C.3) to be reviewed and completed prior to the approval of the project. This plan will review all aspects of the project. The project site is not located near a creek or stream and will not require alteration of a stream or river, therefore will have no impact.

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?

The project site is located in a developed area on the valley floor. The site is an undeveloped 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property.

The project would increase the amount of impervious surfaces on the project site that would increase the amount of runoff generated on the site. The drainage is subject to requirements listed in provision C.3 of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. The project requires a Storm Water Control Plan (C.3) to be reviewed and completed prior to the approval of the project. This plan will review all aspects of the project. The project site is not located near a creek, stream, or river and by following the permit requirements will not result in substantial increase of amount of surface runoff that could affect flooding on-or off site, thus no impact.

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?

The proposed project would be required to implement a SWPPP, which will include erosion and pollution control measures, to control off-site sediment delivery during construction. After the parking lot is built, all runoff generated on the project site would be subject to the requirements listed in provisions C.3 of San Francisco Bay Region Municipal Regional Stormwater NPDES permit. As a result, the new parking lot would not provide substantial additional sources of polluted runoff and therefore has no impact.

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Construction activities such as excavation and grading operations, use of construction vehicles, and windblown exposed earth could potentially affect the water quality. In order to prevent impact to water quality the City requires a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities.

Mitigation Measures:

The following mitigation measures are included in the project to reduce water quality impacts during construction and post-construction periods to a less than significant level:

Mitigation Measure HYDRO-1.1: Prior to construction of the project, the City shall require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices,
- Sediment control practices,
- Sediment tracking control practices,
- Wind erosion control practices, and
- Non-storm water management and waste management and disposal control practices.

Mitigation Measure HYDRO-1.2: Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

Mitigation Measure HYDRO-1.3: The development shall comply with City of Milpitas ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.

Mitigation Measure HYDRO-1.4: The proposed development shall comply with the NPDES permit issued to the City of Milpitas.

This will reduce the construction impacts to less than significant with mitigation.

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6) Otherwise substantially degrade water quality?

Prior to construction the project will implement a SWPPP, which will review and insure construction type processes will not degrade water quality. The project for the parking lot will comply with C.3 of San Francisco Bay Region Municipal Regional Stormwater NPDES permit and as a result will not degrade water quality.

Construction activities such as excavation and grading operations, use of construction vehicles, and windblown exposed earth could potentially affect the water quality. In order to prevent impact to water quality the City requires a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw waddles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. This will reduce the construction impacts to less than significant with the mitigation measures listed above.

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?

The proposal does not include housing and therefore will have no impact.

8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

The project site is not located within a 100-year flood hazard zone. The site is located within Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009). Therefore there is no impact.

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?

The project site is not located within a 100-year flood hazard zone. The site is located within Flood Zone X, which is defined as an area of minimal flood hazard, usually above the 500-year flood level (FEMA 2009). The site is not located within the inundation area for the Sandy Wool Lake Dam or any other dam (City of Milpitas 2010), therefore there is no impact.

10) Be subject to inundation by seiche, tsunami, or mudflow?

The project site has low susceptibility to tsunami, seiches, and mudflow events. According to the Association of Bay Area Government's interactive tsunami mapping, areas near the bay are not considered susceptible to tsunami inundation. The City of Milpitas is located approximately 30 miles from the Pacific Ocean, therefore precluding the possibility of a tsunami inundating the project site. There are no inland water bodies in the project vicinity that are susceptible to seiches, thereby precluding the possibility of a seiche inundating the project site. The surrounding vicinity does not contain any steep slopes or any volcanically active features that could produce mudflow in the City of Milpitas. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

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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:

On November 26, 1997, the Planning Commission approved “S” Zone plans (Site and Architectural Review) for a 39,000 sq. ft. retail center known as the Ulferts Center located just north of the project site. The Center would like to accommodate more restaurant type uses and therefore will require more parking.

The Ulferts Center would like to increase their dining/restaurant use by 5,720 square feet. The original “S” Zone approval for Ulfert’s Center included 231 parking spaces, an excess of 77 spaces than what is required (154 spaces) based on a retail parking ratio of 1 space per 200 square feet of retail area. Subsequent permits include use permits for restaurant uses which designate more parking to those restaurants. Restaurants require a higher number of parking stalls per Table 53.09-1 within the Zoning Ordinance. The Ulferts Center has applied to construct a new parking lot on the adjacent parcel to the south.

The undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by 1880 and zoned Agricultural. The General Plan Map designates the property as General Commercial. Abutting properties are zoned General Commercial and Industrial park. The property is owned by the San Francisco Public Utilities Commission (SFPUC) and is utilized for regional water distribution and monitoring. Currently the rectangular shaped property is undeveloped with dense weeds and large mature trees on the south property line.

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The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The parking lot includes 58 new spaces and 14 motorcycle spaces to support the conversion of retail space (5,720 square feet) into restaurant space at the existing Ulferts Center to meet the parking requirements as stated in the Zoning Ordinance XI-10-53 for “Off Street Parking Regulations.”

Comment:

1) Physically divide an established community?

The project site is a small (0.68 acre) property, currently utilized by SFPUC for monitoring utilities. Surrounding properties are developed commercial and office businesses. The construction of a new parking lot will support overflow parking for the existing commercial center therefore will not divide an established community, hence no impact.

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?

The project is consistent with the General Plan designation as General Commercial. Part of the application includes rezoning the site from Agricultural to General Commercial to be consistent with the General Plan, avoid spot zoning, and allow the property to develop as a compatible use to the surrounding properties. The new parking lot will support the existing commercial center and comply with C.3 of San Francisco Bay Region Municipal Regional Stormwater NPDES permit to avoid impacts on the environment. The City Zoning Ordinance supports voluntary establishment of off-street parking facilities in excess of the requirement to serve any existing use of land or buildings [XI-10-53.09 (B)] and therefore will not conflict with a local program or ordinance, thus no impact.

3) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project site is not within a habitat conservation area, therefore no impacts are anticipated to land use or planning.

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 City of Milpitas is urban in nature, and minerals are not found to any appreciable extent in the developed part of the City. Mineral resource zones are located in the hills to the east of I-680, but these area are located outside the City’s Urban Service Area (City of Milpitas General Plan, 2010).

The project site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by I-880 and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Comment:

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?

The project site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the site per the City General Plan (2010).

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?

The existing zoning and land uses preclude the use of the project site for mineral extraction (i.e. sand, gravel). Therefore, development of the project site would not impede extraction or result in the loss of availability of a known mineral resource. Therefore there would be no impact.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 site is located in a developed area on the valley floor. The undeveloped 0.68 acre property is located just south of the Ulferts Center, bound to the east by I-880, and abuts business

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park uses to the west and south. According to the General Plan Noise Element, existing and future noise levels on an average over the property from east to west range from 80dbL to 75 dbL due to freeway noise. The acceptable uses within that noise level are Office, Business Commercial and Professional, Industrial, Manufacturing, and Agriculture.

The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. Improvements includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

The City of Milpitas's General Plan identifies noise and land use compatibility standards for various land uses. Chapter 213 "Noise Abatement" of the City of Milpitas Municipal Code identifies allowable hours for construction to limit impacts to sensitive uses reads as follows:

Section V-213-2(b) Site Construction Regulations. No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00a.m. and 7:00p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.05 of the chapter.

Comment:

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?

Per the General Plan, 75dbL to 80dbL is Conditionally Acceptable for Business, Commercial, and Industrial type uses. The new parking lot is an ancillary use to the existing Commercial Center and therefore will not expose persons to noise levels in excess of the standards and therefore has no impact.

2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Construction activities associated with the proposed project could generate excessive groundborne vibration and noise on and near the project site. To reduce the possible temporary impact, construction will not be performed during the hours of 7:00pm – 7:00am and will not be performed on Holidays as stated in the proposed mitigation measure and therefore will be less than significant.

3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The General Plan states that a conditionally acceptable noise level for the site is up to 80dBL. The new small parking lot for 58 new parking spaces and 14 motorcycle spaces will not increase the noise levels above the existing level and therefore has no impact.

4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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According to the General Plan Noise Element, the exterior noise levels conditionally acceptable in the project site are 75dbL to 80dbL. While the proposed ancillary parking lot is not anticipated to increase ambient noise levels, project construction noise may create temporary adverse impacts to surrounding uses, therefore, the following mitigation measure is recommended during all construction activities to reduce the impact to less than significant with mitigation.

Mitigation Measure NOISE-1: Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as per the City of Milpitas Noise Ordinance.

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?

The project is not located within an airport land use plan or within two miles of a public airport and therefore has no impact.

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?

The project is not located within the vicinity of a private airstrip and therefore will have no impact.

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 checked="" type="checkbox"/>	<input 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 site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center (commercial shopping center), bound to the east by I-880, and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate an ancillary parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Comment:

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)?

The project does not include new housing and therefore will not increase the population in the area, hence no impact.

2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The project does not include the removal of housing and therefore has no impact.

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3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project will not remove existing housing and therefore has no impact.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Environmental Setting:

The project site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center is bound to the east by I-880 and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot. The parking lot will use reclaimed water for the planters as conditioned.

Comment:

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 Service

The Milpitas Fire Department (MFD) provides full response, preparedness, and prevention services. The department's emergency response and preparedness division handles emergency

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incidents, safety, training, disaster preparedness and public information. The department fire prevention division handles fire plans, and permits, hazardous materials regulation, inspections and investigations.

Fire Protection

The ancillary parking lot for the existing shopping center would not require the Fire Department to expand. The project plans have been reviewed by fire and meets all fire prevention codes including the required street width for fire truck clearance in order to serve the residence in case of a fire., -hence no impact.

Police Service

Law enforcement services in Milpitas are provided by the City of Milpitas Police Department (MPD). Additionally, the California Highway Patrol provides law enforcement services in the Planning Area, and the Transit Patrol Division of the Santa Clara County Sheriff provides contract security and law enforcement services for the Valley Transportation Authority. In 2005, the Police Department had a total of 95 sworn police officers: one chief, 21 officers in the Support Services Bureau and 73 officers in the Police Operations Bureau. In 2005, with a total population of 65,000, Milpitas had a ratio of 1.46 officers per 1,000 residents. This service ratio is within the California standards of 1.4 to 1.7 officers per 1,000 residents. There are no known community concerns about the location, condition, size, form, or condition of the current police stations. In 2005, the MPD received 18,243 emergency calls. In 2005, the average response time to emergency calls was 3:43. The average response time to non-emergency calls was 7:09. The average response time within the City is approximately four minutes and 40 seconds. Highest priority is assigned to emergency calls where life-threatening conditions occur. The target response time for such emergency calls is three minutes. The number of overall service calls being received by the MPD is currently increasing, rising 10.7 percent between 2004 and 2005, and the department expects the number of calls to continue increasing citywide. MPD's Communications Division has adopted the following standards for dispatching:

- *9-1-1 calls shall be answered by Public Safety Dispatchers within 10 seconds at least 95 percent of the time.*
- *Dispatch 95 percent of calls within 60 seconds of event creation in CAD.*
- *Dispatch 95 percent of non-emergency calls within 30 minutes of event creation in CAD.*

Most of the crime that occurs in the Planning Area is specific to the Great Mall—thefts, forgery/fraud, and stolen vehicles—and there is little violent crime. In the rest of the Planning Area, more than half of the police-related calls are vehicle violations, traffic accidents, and theft from autos.

The ancillary parking lot (58 spaces and 14 motorcycle spaces) to the existing Ulferts Center will not increase the number of residence and therefore can be covered by the existing police officers and will not have an effect on the long-term demand for police assistance and new staff and equipment. Hence has no impact.

Schools

The project proposal is for an ancillary parking lot to the existing shopping center does not the number of students attending schools and therefore will not have an effect on the number of students generated and therefore has no impact.

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Parks

According to the Milpitas General Plan, the city has 161 acres of city owned parks and recreational facilities. Part of the 1,544-acre Ed Levin Regional Park is within City limits as well. The project for an ancillary parking lot for the existing commercial shopping center will not generate more trips to existing park facilities within the City and therefore will have no impact.

Other Public Facilities

The ancillary parking lot for the Ulferts Center does not require additional public facilities and therefore will have no impact.

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 site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Comment:

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?

The project will not increase the number of people in the area, nor bring people in to visit City Park facilities and therefore will have no impact.

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?

The project does not include recreational facilities nor does the ancillary parking lot require recreational facilities and therefore will have no impact.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
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 checked="" type="checkbox"/>	<input 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 TIA guidelines described in the *Transportation Impact Analysis Guidelines, Updated in 2009* by Santa Clara Valley Transportation Authority, are part of the *Technical Standards and Procedures for the Santa Clara County Congestion Management Program* and are designed to meet the requirement for a uniform land use impact analysis program in the CMP Statute.

Per Chapter 2 in the *Transportation Impact Analysis Guidelines, Updated in 2009*, a complete TIA shall be performed for any project in Santa Clara County expected to generate 100 or more new weekday (am or pm peak hour) or weekend peak hour trips, including both inbound and outbound trips.

Trip generation is a collection of information about vehicular traffic that is generated by different land uses. This information is based on studies made to determine how many vehicles enter and exit a site devoted to a particular land use. The project is for a new 0.68 acre parking lot with 58 spaces and 14 motorcycle spaces to support the conversion of retail space (5,720 square feet) into restaurant space at the existing Ulferts Center to meet the parking requirements as stated in the Zoning Ordinance XI-10-53 for “Off Street Parking Regulations.” In this case, we are comparing the existing use for 5,720 square feet of retail space to 5,720 square feet for High Turnover Restaurant space. When analyzing the Trip Generation of a project the peak hour trips generated is the determining factor. Peak Hour is the highest volume hour of site traffic. For this type of use, the peak hour is during the pm period on weekdays which is between three and six pm and on Saturdays.

Per the Institute of Transportation Engineers manual 7th Edition, High Turnover Restaurants generate 18.49 trips per every 1,000 square feet of space. The table below summarized the trips generated for the existing site conditions and the proposed project.

Table 1
Retail Space vs High Turnover Restaurant Space

	Retail Space 5,720sqft	High Turnover Restaurant 5,720sqft	<u>Net Difference</u>
Weekday PM Peak	28.7 <i>(5.02 trips per 1,000 sqft)</i>	105.8 <i>(18.49 trips per 1,000 sqft)</i>	<u>77</u>

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Saturday Peak	27.6 <i>(4.82 trips per 1,000 sqft)</i>	80.5 <i>(14.07 trips per 1,000 sqft)</i>	<u>53</u>
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The difference in restaurant space vs retail space is less than 100 trips during peak hours and therefore will not require a Transportation Impact Analysis per the *Transportation Impact Analysis Guidelines 2009* and is considered a less than significant impact.

Comment:

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?

The project includes converting existing retail space (5,720 square feet) to restaurant space. The new use will generate less than 100 trips which, per the CMA, will not require further analysis and is therefore is a less than significant impact.

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?

The project includes converting existing retail space (5,720 square feet) to restaurant space. The new use will generate less than 100 trips which, per the CMA, will not require further analysis and is therefore is a less than significant impact.

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?

The proposal will not change or affect air traffic patterns and therefore had no impact.

4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

The project does not include restructure of public roads. The internal path for pedestrians and vehicular parking lot connection has been reviewed by our City Transpiration Engineer and meets all design standards to insure safety for all users onsite. Thus will have no impact.

5) Result in inadequate emergency access?

The Fire Department has reviewed the project for emergency access purposes and finds that it will meet the development standards and therefore will have no impact.

6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

The project supports alternative transportation (i.e. motorcycle spaces and electric car parking) and will not remove existing or planned bus turnouts or the like and does not conflict with adopted policies, plans or programs, therefore will have no impact.

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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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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
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 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880 and adjacent to Cisco Systems Business Park and Family Connection. The General Plan Map designates the property as General Commercial (GNC) and the Zoning Map designated the site as Agricultural (A). Abutting properties are zoned General Commercial to the north, and Industrial park to the west and south.

Water Service

Potable water supply for residence is provided by the City of Milpitas through its municipal water system. The City provides water service to homes, businesses, and industry within the City of Milpitas, meeting the demands of around 65,000 residents. The City of Milpitas buys domestic water from two sources: the San Francisco Public Utilities Commission (SFPUC), delivered through the Hetch Hetchy Water system, and Santa Clara Valley Water District (SCVWD), delivered through the South Bay Aqueduct. The City's emergency supply consists of one local groundwater wells—with a second one under construction—and three emergency interties, one with the San Jose Water Company and two with the Alameda County Water District.

The City currently has a supply assurance amount from the SFPUC of 9.23 million gallons per day (mgd) or 10,340 acre-feet per year (AFY). This allocation could be reduced in drought years by SFPUC. In addition, it is anticipated that the incremental cost of water supplied by the SFPUC will become more expensive for the City to purchase should the allocation be increased. For these reasons, the City of Milpitas does not anticipate increasing allocations of SFPUC water at this time. Water supplied by SCVWD is derived in part from executed contracts with the State of California Department of Water Resources and the United States Bureau of Reclamation. The City's contract with SCVWD allows for increases in purchased water to accommodate growth within the City. SCVWD bases its long-term water planning projections on employee and household projections provided by the Association of Bay Area Governments (ABAG). SCVWD responds to new land use plans by accommodating them in their projections for longterm water supply and demand. In accordance with the City's contract, SCVWD provides exact delivery commitments on a three-year delivery schedule based, in part, on projections made by the City. Recycled water is also currently available in Milpitas through the South Bay Water Recycling Program (SBWRP).

Wastewater

The San Jose/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas and for several other cities and sanitary districts in the region. The WPCP is a regional facility located in San Jose. The cities of San Jose and Santa Clara jointly own the facility while San Jose operates and maintains the facilities. The WPCP first began operations in 1956 as a primary treatment facility and was upgraded to a tertiary treatment plant in 1964 and again in 1979. The WPCP currently provides primary, secondary and tertiary wastewater treatment (filtration, disinfectant and disinfectant removal).

Currently, the City is discharging wastewater to the WPCP at a rate of between 8 and 9 mgd. The City's most current wet weather (December 2006) discharge rate was 8.232 mgd2, down from a

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December 2005 peak week flow of 9.3 mgd.³ This current flow level is well below the City's 13.5 mgd inflow limit at the WPCP.

The WPCP discharges treated water to Artesian Slough, a tributary to Coyote Creek and the South San Francisco Bay. The WPCP must meet stringent regulatory disposal requirements, including heavy metal limits and maximum dry weather disposal levels intended to protect sensitive salt marshes. In the dry weather period of May through October, the WPCP is required by the San Francisco Regional Water Quality Control Board to limit discharge flows from the WPCP to 120 mgd ADWF (average dry weather flows), or to flows that would not further impact rare and endangered species habitat. The WPCP has had programs in place since 1991 to reduce and maintain flows below 120 mgd, and has maintained compliance with this requirement. The average dry weather effluent flow in the last year for which records are available is approximately 100 mgd.⁶ Long term plans to remain in compliance with the 120-mgd requirement include on-going water conservation and water recycling.

Storm Drainage

The City of Milpitas owns and maintains a system of underground pipes and a network of street gutters that convey flows from urban runoff to the San Francisco Bay. Within the Transit Area, the majority of stormwater runoff is conveyed to Berryessa Creek and Lower Penitencia Creek, with portions of the area draining into Wrigley-Ford Creek. Most major drainage facilities within the city, such as creeks and channels, are owned and maintained by SCVWD.

Solid Waste

The City of Milpitas disposes of all solid waste at the Permitted Class III, Subtitle D facility, the Newby Island Sanitary Landfill (NISL), administered by BFI. The Newby Island facility accepts solid waste, recyclables, and compostable materials. The NISL does not accept hazardous waste. The facility is 342 acres, of which waste has been placed on approximately 270 acres. The City's contract with the NISL runs through 2017.

Project Site

The project site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, and abuts business park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Comment:

1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

As a part of the project, a Storm Water Control Plan is provided and will be reviewed to meet all applicable Regional Water Quality Controls standards. Prior to construction, the Storm Water Control Plan and Report is required to be certified by a third party and approved by the City of Milpitas. A preliminary report has been submitted and reviewed by City Staff and the determination is at this time the project will not result in an expansion of facilities or construction of new facilities that would have significant environmental effects and therefore will have no impact.

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- 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?

The new parking lot will utilize reclaimed water for the planter areas will not require wastewater due to the use. The project has been reviewed by the Public Works Department and will not require the construction of new water or wastewater treatment facilities and therefore will have no impact.

- 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?

As a part of the project, a Storm Water Control Plan and Report is provided and will be reviewed to meet all applicable Regional Water Quality Controls standards. Prior to construction, the Storm Water Control Plan and Report is required to be certified by a third party and approved by the City of Milpitas. A preliminary report has been submitted and reviewed by City Staff and the determination is at this time the project will not result in an expansion of facilities or construction of new facilities that would have significant environmental effects and therefore will have no impact.

In addition, construction activities such as demolition, excavation and grading operations, use of construction vehicles, and windblown exposed earth could potentially affect the water quality. In order to prevent impact to water quality the City requires a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The mitigation measures included in the Hydrology and Water Quality part (5) of this report will reduce any construction impact to less than significant.

- 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Based on the plans submitted, along with the calculations provided on the C.3 data form, the project has sufficient water supplies available and therefore will not have an impact.

- 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?

The City of Milpitas is considered a full service City and is the provider for water and sewer for the City. The project will utilize reclaimed water for the parking lot planters which is within the City's capacity and will not have an impact.

- 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

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The City of Milpitas is considered a full service City and is the provider for water, sewer, and solid waste. Although a parking lot will not produce solid waste, the space converted from retail to a restaurant will. The City has a contract to dump at the Newby Island Facility. The landfill will have adequate capacity to serve the project's projected demand and will not have impact.

7) Comply with federal, state, and local statutes and regulations related to solid waste?
As conditioned, the project will comply with all federal, state, and local statutes and regulations related to solid waste and therefore will have no impacts.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1-15, A

Environmental Setting:

The project site is located in a developed area on the valley floor. It is an undeveloped 0.68 acre property located just south of the Ulferts Center, bound to the east by I-880, and abuts business

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park uses to the west and south. The project proposal is to grade and pave the property to incorporate a new parking lot with access through the existing Ulferts Center parking lot located to the north of the property. The project includes a landscaped plan that incorporates screening around the existing vent risers and maintains shrubbery and trees throughout the lot.

Comment:

- 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?

As explained in the Biological Resources Section, and Cultural Resources Section, the proposed project would not significantly affect fish or wildlife habitat, nor would it eliminate examples of California's history of prehistory. The mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level.

- 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)?

With the implementation of the Mitigation Measures included in the project and described in the specific sections of this report, the proposed conversion of 5,720 square feet from retail to restaurant and the construction of an ancillary (58 spaces) parking lot would not result in a significant environmental impact hence the less than significant impact.

- 3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

The project will does not conflict with short term or long term environmental goals within the General Plan and therefore will have no impact.

- 4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The project for includes the conversion of 5,720 square feet of retail space and the construction of a new parking lot with 58 parking spaces, and 14 motorcycle spaces. The parking lot will be designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines. The new storage area will not have an adverse effect on human beings and therefore will have no impact.

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, 06085C00H, 06085C0058H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H, 06085C0080H, 06085C0086H, and 06085C0087H*
15. Transit Area Specific Plan Final Environmental Impact Report, June 2008

Project Related Sources:

- A. Project application and plans
- B. Biologist Report prepared by H.T. Harvey & Associates

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.

