CITY OF MILPITAS

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

MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA15-0004

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT HANSON SELF STORAGE PROJECT, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Hanson Self-Storage Project – SD14-0019 and UP14-0020 – 1 Hanson Ct.

Project Description: A request for a Site Development Permit and Conditional Use Permit to allow the demolition of an existing industrial site and to construct a 98,390 square foot self-storage facility with a 2,360 square foot office and manager's unit, associated site improvements, a future Phase II 35,500 square foot expansion, and permit an FAR increase.

Project Location: 1 Hanson Court, Milpitas, CA 95035 (APN 22-31-020)

Project Proponent: One Hanson LLC

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:
Air-1: Basic Construction Management Practices. The Project shall demonstrate compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures".

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne

toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Construction Emissions Minimization Practices. The project shall demonstrate compliance with the following Construction Emissions Minimization Practices prior to issuance of demolition, building or grading permits:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
    a. Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
    b. All off-road equipment shall have:
        i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and
        ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).
    c. Exceptions:
        i. Exceptions to 1(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply.
        ii. Exceptions to 1(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the City that the requirements of this exception provision apply. If granted an exception to 1(b)(ii), the project sponsor must comply with the requirements of 1(c)(iii).
        iii. If an exception is granted pursuant to 1(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment, including a Tier 2 engine standard and the following emissions control/alternative fuel in order of preference if available: 1) ARB Level 2 VDECS, 2) ARB Level2 VDECS, or 3) Alternative Fuel.

Bio-1: Nesting Birds. If construction occurs during the breeding season (February through August), the site and a surrounding radius of not less than 0.5 miles shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code. Pre-construction surveys shall be conducted within 15 days prior to start of work and shall be submitted to the Building Division. If the survey indicates the potential presences of nesting birds, the applicant shall comply with recommendations of the biologist regarding an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be based to a large extent on the nesting species and its sensitivity to disturbance.

Haz-1: Site Management Plan and Health and Safety Plan. As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall prepare a Site Management Plan and Health and Safety Plan as recommended by the Phase I Environmental Site Assessment and the subsequent Soil and Ground Water Quality Evaluation, to establish appropriate management practices for handling impacted soil and ground water that may be encountered during construction activities. These materials may require special handling and disposal. Compliance with this recommendation will alleviate hazards to the public or the environment.

Hydro-1: NPDES General Permit for Construction. As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following:

1. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
2. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
3. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
4. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
5. All trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard.
6. All paved access roads, parking areas, staging areas and streets adjacent to the construction site shall be swept daily (with water sweepers).
7. Vegetation in disturbed areas shall be replanted as quickly as possible.
8. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed if requested by the City.

Hydro-2: Compliance with SWPPP. The Project proponent shall prepare and file a draft Stormwater Pollution Prevention Plan (SWPPP) that addresses measures to minimize and control construction runoff. A copy of the draft SWPPP will be submitted to the City of Milpitas for

review and approval prior to start of construction. When approved, the certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.

Hydro-3: NPDES C.3 Requirements – Stormwater Control Plan. Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.

Hydro-4: NPDES Best Management Practices. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site. All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season. The property owner will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times. The property owner will ensure that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude operations from diminishing the functionality of the system.

Copies of the E.I.A. may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By:_____
Project Planner

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

ONE HANSON COURT
MINI STORAGE PROJECT

Prepared For:

CITY OF MILPITAS
PLANNING & NEIGHBORHOOD SERVICES DEPARTMENT
455 EAST CALAVERAS BLVD
MILPITAS, CA 95035

Prepared By:

LAMPHIER – GREGORY
1944 EMBARCADERO
OAKLAND, CA 94606

OCTOBER 1, 2015

TABLE OF CONTENTS

page

Introduction to this Document 1
Public Review 1
Project Information 2
Mitigated Negative Declaration 19
  Potentially Significant Impacts Requiring Mitigation 19
  CEQA Findings 24
Initial Study Checklist 25
  Environmental Factors Potentially Affected 25
  Lead Agency Determination 26
  Evaluation of Environmental Impacts 27
    Aesthetics 28
    Agricultural and Forest Resources 29
    Air Quality 30
    Biological Resources 35
    Cultural Resources 37
    Geology and Soils 39
    Greenhouse Gas Emissions 40
    Hazards and Hazardous Materials 41
    Hydrology and Water Quality 43
    Land Use and Planning 48
    Mineral Resources 49
    Noise 50
    Population and Housing 51
    Public Services 52
    Recreation 53
    Transportation 54
    Utilities and Service Systems 56
    Mandatory Findings of Significance 57
Document Preparers 58
Sources 58

FIGURES

Figure 1: Project Location 7
Figure 2: Proposed Site Plan 9
Figure 3: Proposed Elevations 11
Figure 4: Preliminary Grading Plan 13
Figure 5: Preliminary Stromwater Control Plan 15
Figure 6: Phasing Plan 17

ATTACHMENTS

Attachment A: Trip Generation and Parking Summary, TJKM, February 17, 2015
Attachment B: Phase I Environmental Site Assessment, Cornerstone Earth Group, May 7, 2014
Attachment C: Soil and Ground Water Quality Evaluation, Cornerstone Earth Group, August 22, 2014
Attachment D: Geotechnical Investigation, Cornerstone Earth Group, October 15, 2014
Attachment E: Storm Water Management Plan, Kier and Wright, June 1, 2015
Attachment F: California Emissions Estimator Model (CalEEMod), Lamphier-Gregory, September 17, 2015

INTRODUCTION TO THIS DOCUMENT

This document serves as the Initial Study and Mitigated Negative Declaration (IS/MND) for the One Hanson Court Mini Storage Project ("Project"). Per CEQA Guidelines (Section 15070), a Mitigated Negative Declaration can be prepared to meet the requirements of CEQA review when the Initial Study identifies potentially significant environmental effects, but revisions in the project would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

This document is organized in three sections as follows:

- Introduction and Project Description. This section introduces the document and discusses the project description including location, setting, and specifics of the lead agency and contacts.

- Mitigated Negative Declaration. This section lists the impacts and mitigation measures identified in the Initial Study and proposes findings that would allow adoption of this document as the CEQA review document for the proposed project.

- Initial Study. This section discusses the CEQA environmental topics and checklist questions and identifies the potential for impacts and proposed mitigation measures to avoid these impacts.

PUBLIC REVIEW

The Initial Study and Proposed Mitigated Negative Declaration will be circulated for a 30-day public review period. Written comments may be submitted to the following address:

Cindy Hom, Planner
Planning Division
Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, CA 95035
(408) 586-3284
chom2@ci.milpitas.ca.us

Adoption of the Mitigated Negative Declaration does not constitute approval of the project itself, which is a separate action to be taken by the approval body. Approval of the project can take place only after the Mitigated Negative Declaration has been adopted.

PROJECT INFORMATION

PROJECT ENTITLEMENTS

Development of the Project will require the approval of a Site Development Plan and a Conditional Use Permit from City of Milpitas.

LEAD AGENCY

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

CONTACT PERSON

Cindy Hom, Planner
Planning Division
Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, CA 95035
(408) 586-3284
chom2@ci.milpitas.ca.us

PROJECT SPONSOR

Bertrand Irrisou
One Hanson LLC
1484 Prince Edward Way
Sunnyvale, CA 94087
(408) 431-4694

PROJECT LOCATION

1 Hanson Court
Milpitas, California
Assessor's Parcel Number (APN: 022-31-020).

GENERAL PLAN DESIGNATION

Manufacturing and Warehousing (MW)

ZONING

M2 (Heavy Industrial)

ASSESSOR'S PARCEL NUMBER

The project consists of one parcel: APN 022-31-020

DESCRIPTION OF PROJECT

One Hanson LLC (Applicant) is requesting approval of a Site Development Plan and a Conditional Use Permit from the City of Milpitas for development of a self-storage project located at One Hanson Court within the City of Milpitas, California (see **Figure 1**). The project proposes the construction of a 1 story storage facility with a 2 story office and manager's apartment. The project will consist of six storage buildings (Buildings A through F) and a Manager's Building (see **Figure 2**). Buildings A, B and D through F are one story and Building C and the Manager's Building are two stories. Buildings A through F will be of concrete tilt-up construction and have a footprint of approximately 98,390 square feet (see **Figure 3)**; the Manager's Building will be of wood-frame construction with a footprint of approximately 2,360 square feet. Up to 4 feet of fill will be placed at the site as part of the proposed improvements (see **Figure 4**).

SURROUNDING LAND USES

The project site is located at 1 Hanson Court, Milpitas, California. The development is planned on an essentially flat, trapezoidal shaped, 4.27 acre site that is fully concrete paved and mostly vacant with the exception of four smaller existing structures that are to be removed. The frontage along Hanson Ct., like the rest of this street has no sidewalk, the frontage also has a row of mature trees, and an overhead joint pole line. The site is intended to be raised up to 4 feet to accommodate floodplain issues. Provisions are incorporated in the plan for the SCVWD to widen their channel with a new easement along the north side of the site.

Land Uses contiguous to the site are as follows:

North: A concrete lined SCVWD flood control channel (to be widened) and Milpitas Materials beyond.

South: An existing 1 story light industrial tilt-up building that also fronts on Hanson Ct. and the Railroad right of way.

East: Hanson Ct. with existing 1 story light industrial tilt-up buildings beyond.

West: A railroad right of way with a BART extension, and existing 1 story single family residential beyond.

<u>Proposed Project</u>

The storage facility will consist of (4) one story storage buildings. One of the interior storage buildings (Building C) will be built initially to accommodate a future potential 2nd floor addition of 35,500 square feet. The storage buildings ring the site, creating a compound effect which adds significantly to perimeter security. The perimeter storage buildings also serve to hide the loading activities from public view. There will be a two story building located adjacent to the entry on Hanson Ct. with an office below and a manager's apartment above. The onsite management activities would be performed by one or two resident managers supplemented by a relief manager on the resident manager's days off.

The two story office/apartment building at the facility entry is positioned to be able to view onsite activities as well and tenants entering and exiting the gated entry. Access to the site would be computer controlled via gate keypads for both entering and exiting. A second gate is provided only for emergency vehicle access. The interior vehicular circulation is designed to meet the Fire Department turning radius requirements, as well as the occasional moving truck.

The total square footage of 100,740 square feet is comprised of 98,390 square feet of storage buildings divided into approximately 683 storage units, plus a 2,360 square feet manager's office and apartment.

Rental units range in size from 5' x 5' to 10' x 30' with an average unit size of 126 square feet. The floor area ratio (FAR) for the initial construction is 0.54 and will increase to 0.73 if and when the 35,500 square foot 2nd floor is added to Building C. Setbacks, parking, building heights, and other zoning parameters are all in compliance City standards.

Total ground disturbance during construction of both phases of the project will be 100,740 square foot. Existing paving will largely be preserved where possible.

The stormwater generated by the project will be treated by bio treatment pond (see **Figure 5**).

Construction

The storage buildings will have concrete tilt-up perimeter walls facing externally, and precast concrete columns and metal roll-up doors facing internally. Structural framing for the storage buildings will be metal posts and purlins with standing seam metal roofing. The manager's office and apartment building will be traditional wood framed with a stucco exterior. Construction of the project will be completed in two phases (see **Figure 6**).

Traffic

The proposed project's potential vehicle trips to and from the frailty are based on published data in the Institute of Transportation Engineers' (ITE) reference Trip Generation Manual (9th Edition, 2012). The trip generation estimates were based on the rates for "Mini Warehouse" (ITE Land Use 151).

The project is expected to generate 339 net daily trips, 19 trips during the a.m. peak hour and 36 net trips during the p.m. peak hour after the project is completed. Among the 19 a.m. trips, 10 trips are expected to enter the facility and 9 trips are expected to exit the during the a.m. peak hour. Additionally, during the p.m. peak hour, 18 trips are expected to enter and 18 trips are expected to exit the facility respectively.

Typical traffic patterns for a self-storage facility are midday on the weekends. On average, the tenant remains on site for approximately 20 minutes. Tenant loading activities occur in the drive aisles adjacent to their respective storage unit. The average vehicle types are passenger cars, SUVs, or pick-up trucks.

Security

Security features are intended to be 'state of the art' for the industry and include gated computer controlled access opposite the resident manager's office. New or potential customers would park outside the gate and could enter the office via a pedestrian door, but they would not have vehicular access into the facility until they become a tenant. Existing customers would enter their PIN code into the keypad and, provided they are current with their rental payments, would be granted access while at the same time the computer would disengage the tenant's individual storage unit door alarm. On exiting the facility, the tenant would re-enter his or her PIN number into the keypad to open the gate and re-engage their storage unit door alarm.

All activity at the gate, the alarming or dis-alarming of the individual storage units, and the opening and closing of storage unit doors is tracked and monitored via a graphical display in the office which is integrated with the computerized management systems. There will be internet protocol video cameras located throughout the facility to monitor and record all movements 24/7 on digital video recording devices. CCTV monitors will also be on display in the office for real time viewing by the managers.

Green Building Measures

The Project will be required to include "green" building measures to reduce on-site energy usage necessary to meet or exceed the requirements of the City's Green Building Ordinance.

PROPOSED GENERAL PLAN LAND USE DESIGNATIONS AND ZONING

Currently, the site has a General Plan land use designation of *Manufacturing and Warehousing (MW)*. The proposed storage facility is consistent with this land use designation.

The site is currently zoned *Heavy Industrial District (M2)*. The proposed storage facility is consistent with the current zoning ordinance.

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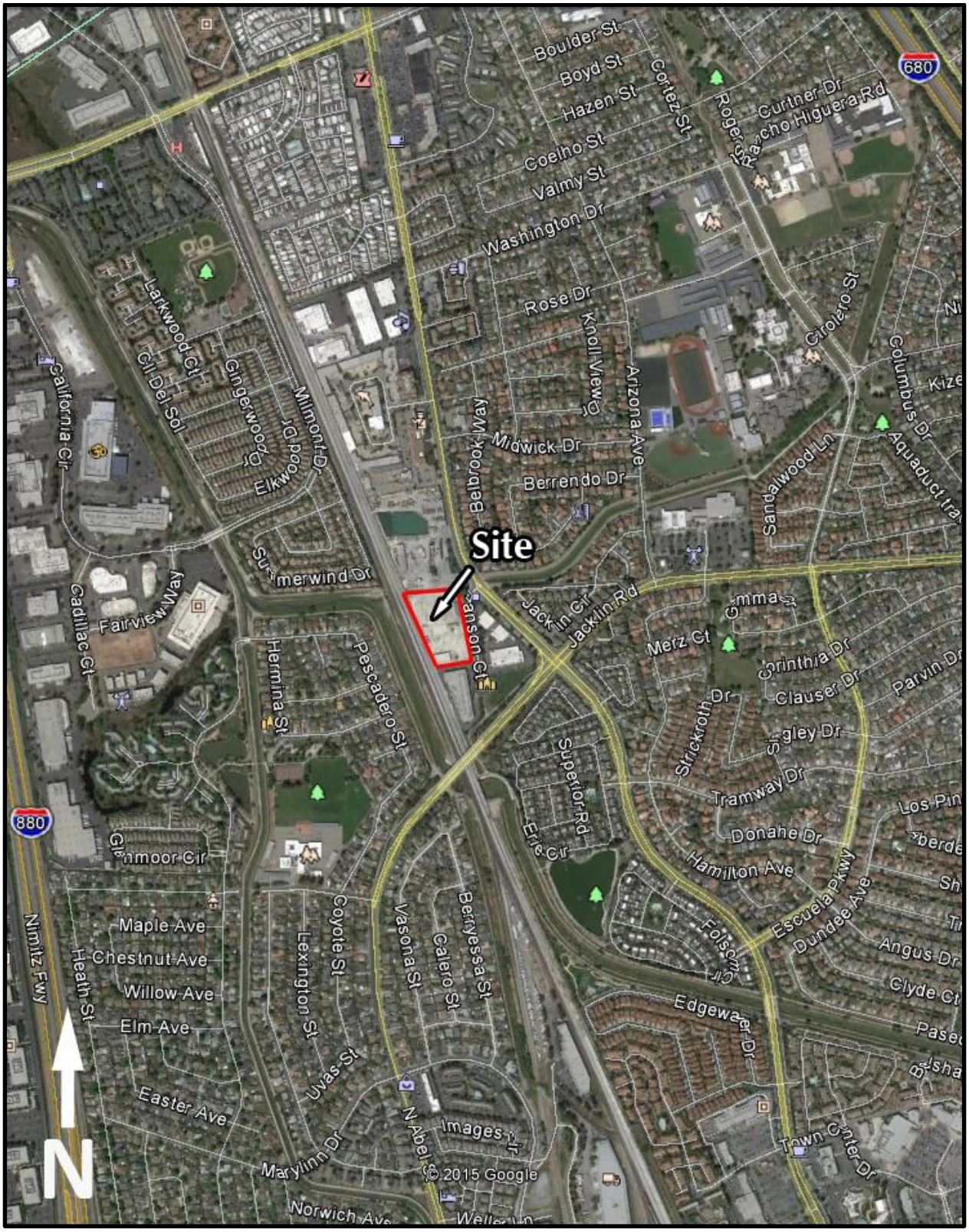

Figure 1: Project Location
Source: Lamphier-Gregory

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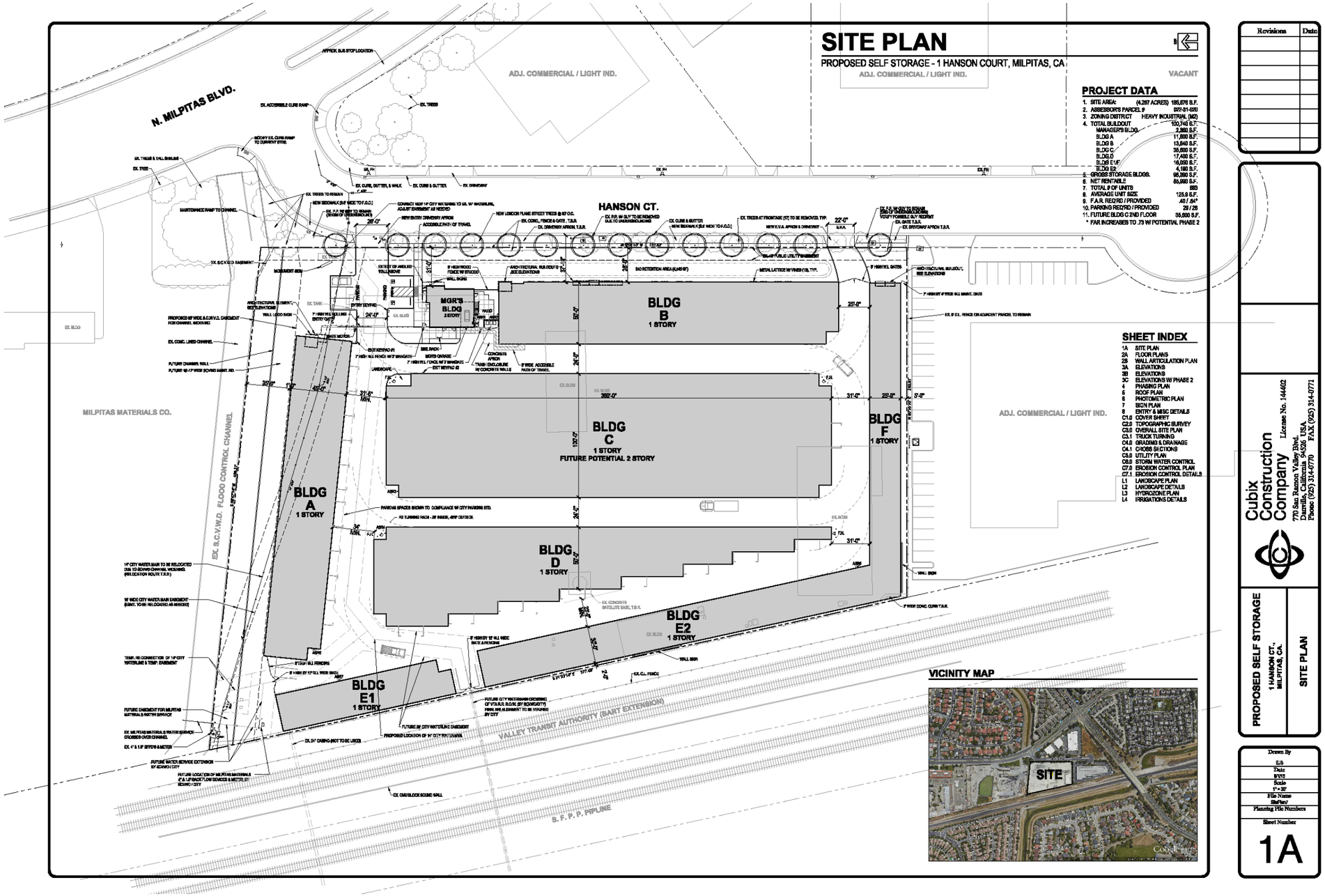

Figure 2: Proposed Site Plan

Source: Applicant

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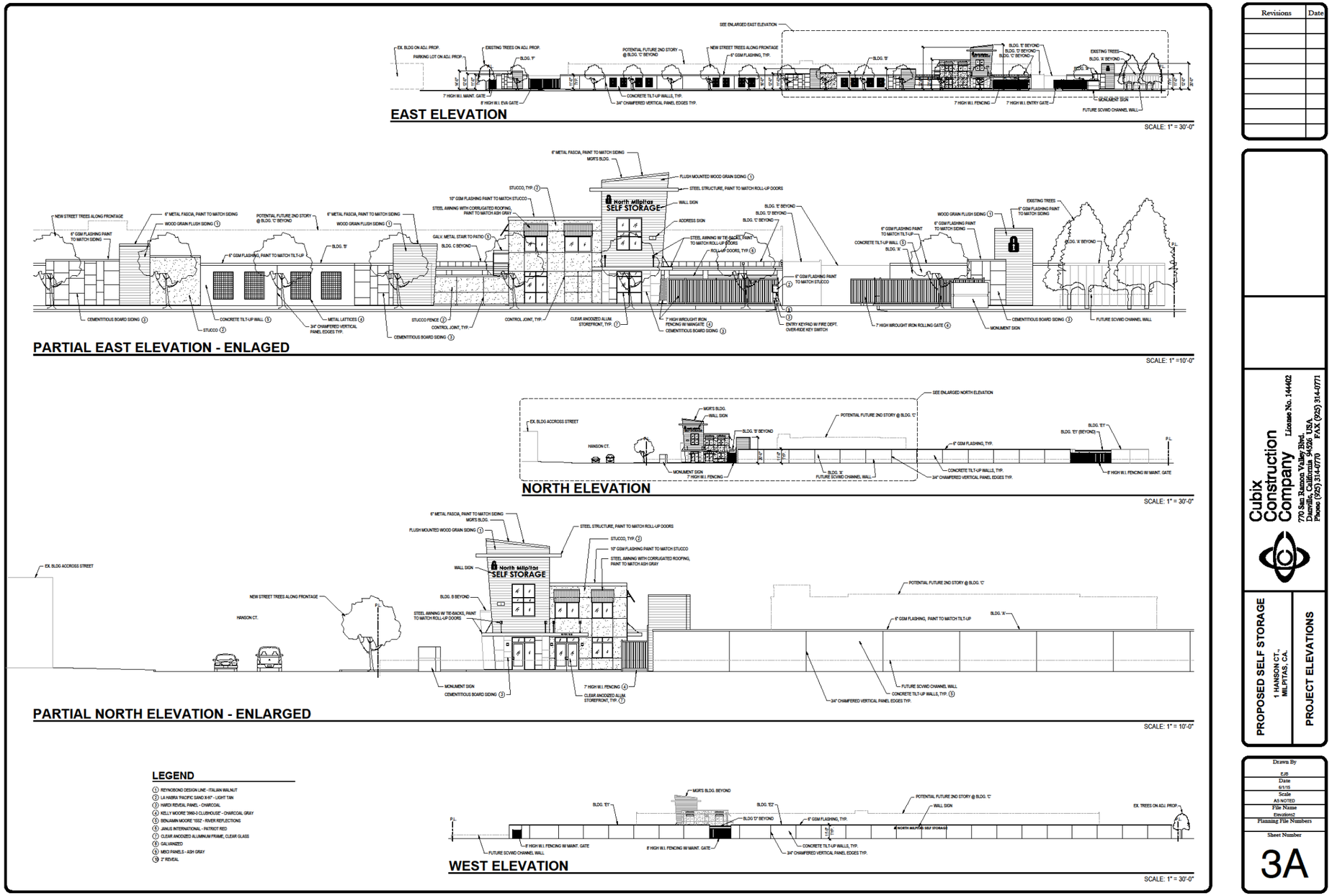

Figure 3: Proposed Elevations
Source: Applicant

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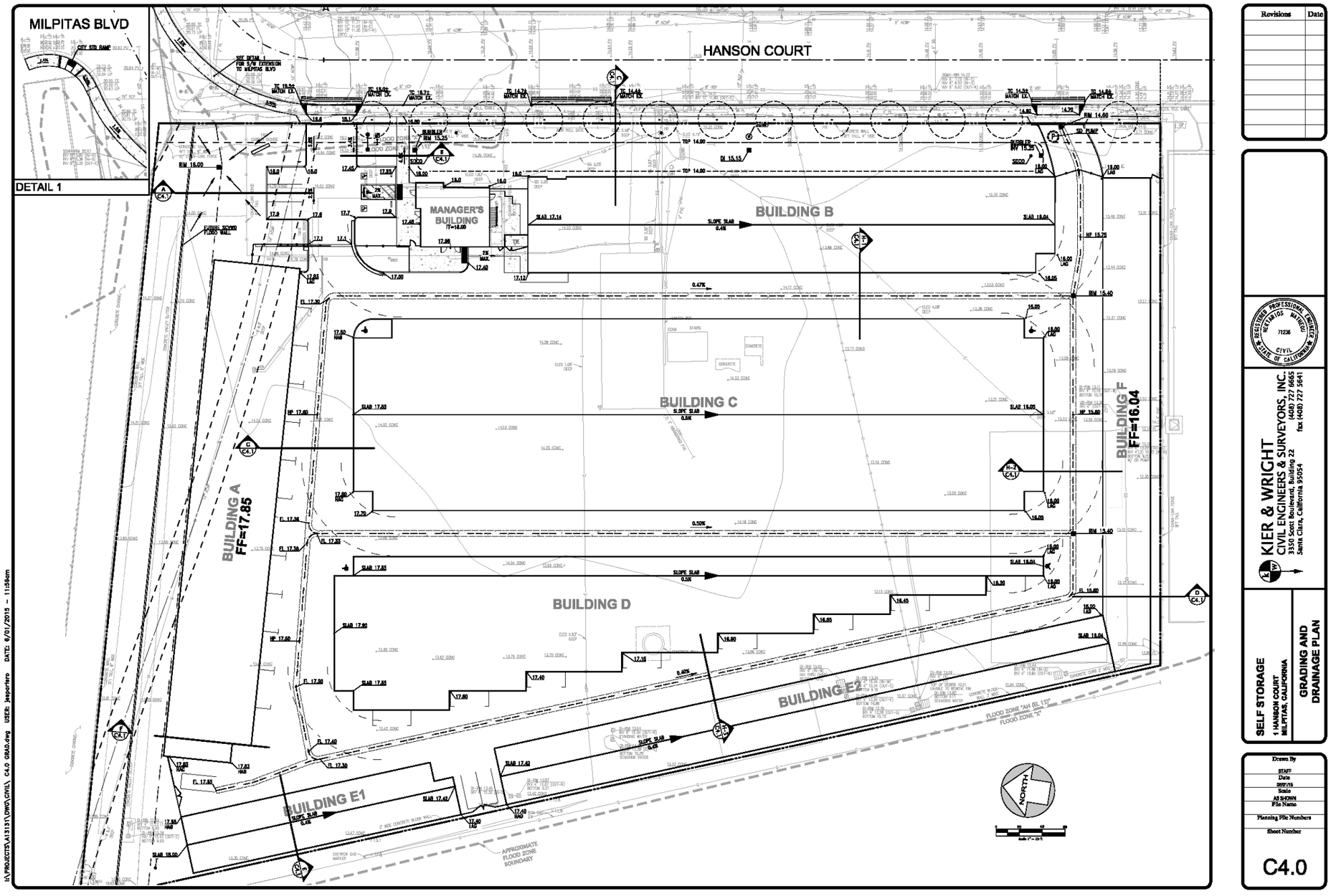

Figure 4: Preliminary Grading Plan
Source: Applicant

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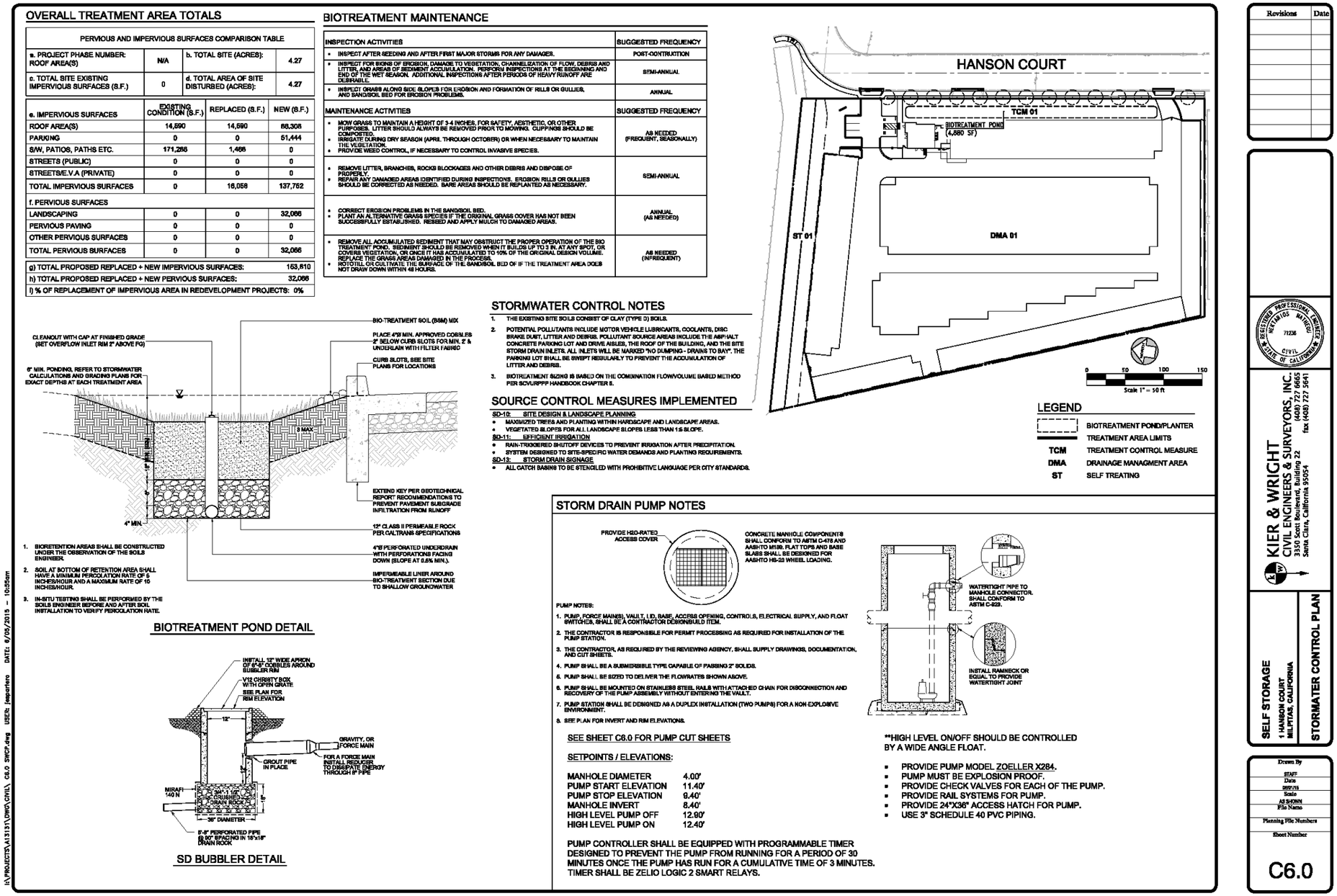

Figure 5: Preliminary Stormwater Control Plan

Source: Applicant

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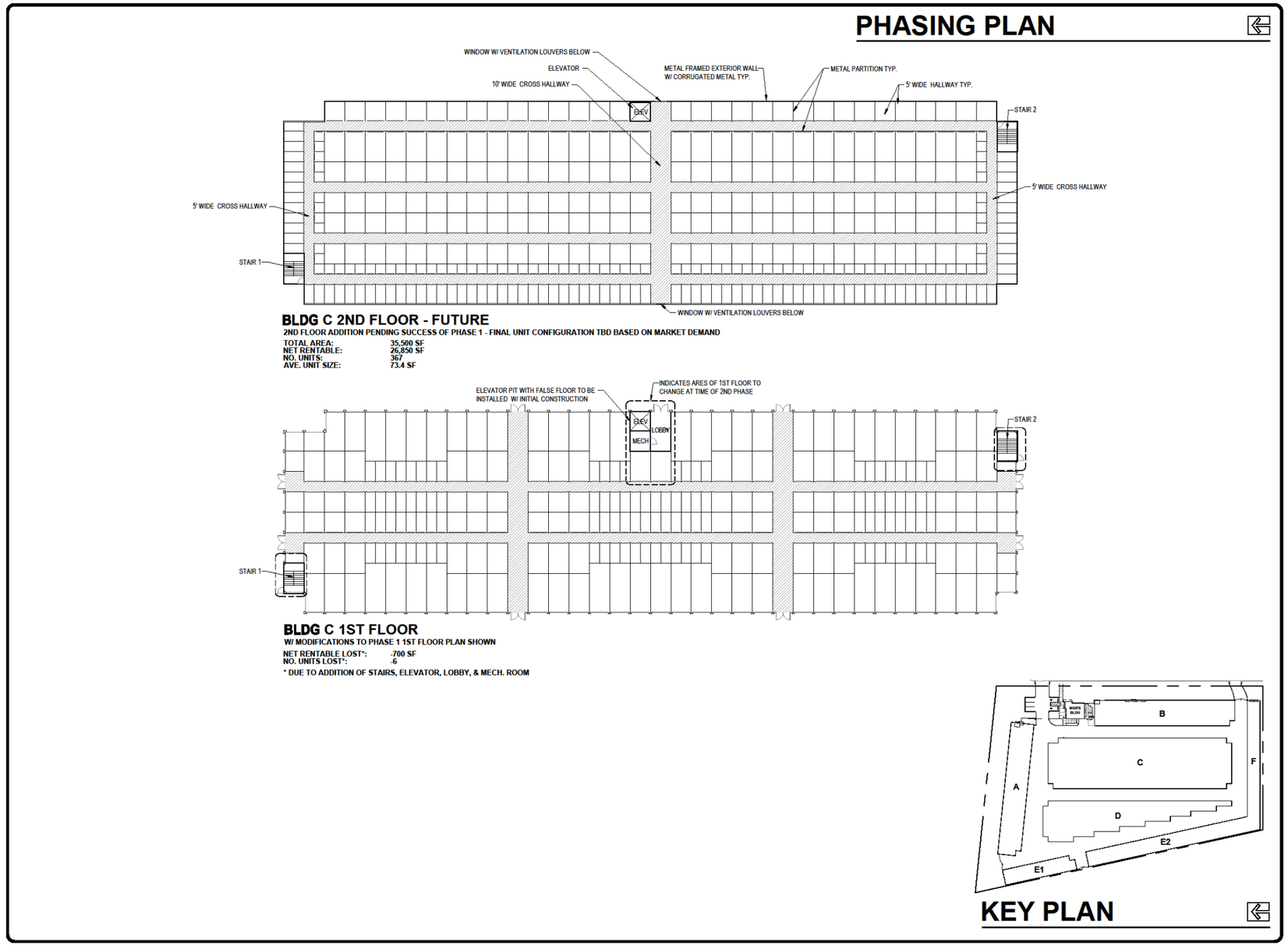

Figure 6: Phasing Plan
Source: Applicant

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MITIGATED NEGATIVE DECLARATION

PROJECT DESCRIPTION, LOCATION, AND SETTING

This Mitigated Negative Declaration has been prepared for the One Hanson Court Mini Storage Project. See the Introduction and Project Information section of this document for details of the Project.

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

The following is a list of potential Project impacts and the mitigation measures recommended to reduce these impacts to a less than significant level. Refer to the Initial Study Checklist section of this document for a more detailed discussion.

Construction Period Air Quality

BAAQMD presents screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in criteria pollutant emissions over threshold levels. For example, this table includes a construction-period criteria pollutant screening level of 277,000 square feet for construction of various retail and commercial uses.[1] While a mini storage facility is not specifically listed on this screening table, it can be reasonably concluded from a comparison to the entries on this table that construction activities required for this 100,740 square foot facility, being only 36% the size of the screening size for listed retail and commercial uses, would be well below threshold levels. The impact related to construction-period air quality emissions is ***less than significant***.

Construction of the Project would result in emissions and fugitive dust. While the Project is below the size at which significant impacts are anticipated, the Air District recommends implementation of construction mitigation measures to reduce construction-related criteria pollutant and fugitive dust emissions for all projects. These basic measures are included in Mitigation Measure Air-1, below and would further reduce construction-period criteria pollutant impacts.

Mitigation Measure Air-1: **Basic Construction Management Practices.** The Project shall demonstrate compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures".

i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

ii) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

iii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

iv) All vehicle speeds on unpaved roads shall be limited to 15 mph.

[1] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

v) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

vi) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

vii) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

viii) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure Air-2: **Construction Emissions Minimization Practices**. The project shall demonstrate compliance with the following Construction Emissions Minimization Practices prior to issuance of demolition, building or grading permits:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

   a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;

   b) All off-road equipment shall have:

      i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and

      ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).

   c) Exceptions:

      i. Exceptions to 1(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply.

      ii. Exceptions to 1(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control

device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the City that the requirements of this exception provision apply. If granted an exception to 1(b)(ii), the project sponsor must comply with the requirements of 1(c)(iii).

iii. If an exception is granted pursuant to 1(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment, including a Tier 2 engine standard and the following emissions control/alternative fuel in order of preference if available: 1) ARB Level 2 VDECS, 2) ARB Level 2 VDECS, or 3) Alternative Fuel.

Nesting Birds

There are several trees on and adjacent to the Project site. Common birds such as house finch, American robin, northern mockingbird, European starling, and/or Brewer's blackbird could utilize nearby trees. These species are locally and regionally abundant, and Project's effects on these species would be minimal. However, native birds are protected under the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code, so the following mitigation would be applicable to prevent a "take" of these species under these regulations related to disturbance during nesting.

Mitigation Measure

Bio-1: **Nesting Birds.** If construction occurs during the breeding season (February through August), the site and a surrounding radius of not less than 0.5 miles shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code. Pre-construction surveys shall be conducted within 15 days prior to start of work and shall be submitted to the Building Division. If the survey indicates the potential presences of nesting birds, the applicant shall comply with recommendations of the biologist regarding an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be based to a large extent on the nesting species and its sensitivity to disturbance.

Hazardous Materials

The site was developed in the 1950's when it was converted from agricultural uses to a concrete plant. It was found that waste oil, reportedly used for dust control prior to the site being paved, contains elevated concentrations of total petroleum hydrocarbons (TPH) within the upper few feet of soil.

Mitigation Measure

Haz-1: **Site Management Plan and Health and Safety Plan.** As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall prepare a Site Management Plan and Health and Safety Plan as recommended by the Phase I Environmental Site Assessment and the subsequent Soil and Ground Water Quality Evaluation, to establish appropriate management practices for handling impacted soil and ground water that may be encountered during construction activities. These materials may require special handling and disposal.

Compliance with this recommendation will alleviate hazards to the public or the environment.

Water Quality

Construction will involve demolition, excavation and grading activities. These construction activities could degrade water quality in Berryessa and Celera Creeks because the existing on-site storm drainage systems discharge into these waterways. Construction activities would generate dust, sediment, litter, oil, paint, and other pollutants that could temporarily contaminate runoff from the site.

Mitigation Measure Hydro-1: **NPDES General Permit for Construction.** As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following:

1. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

2. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

3. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

4. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

5. All trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard.

6. All paved access roads, parking areas, staging areas and streets adjacent to the construction site shall be swept daily (with water sweepers).

7. Vegetation in disturbed areas shall be replanted as quickly as possible.

8. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed if requested by the City.

Mitigation Measure Hydro-2: **Compliance with SWPPP.** The Project proponent shall prepare and file a draft Stormwater Pollution Prevention Plan (SWPPP) that addresses measures to minimize and control construction runoff. A copy of the draft SWPPP will be submitted to the City of Milpitas for review and approval prior to start of construction. When approved, the certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.

Mitigation Measure Hydro-3: **NPDES C.3 Requirements – Stormwater Control Plan.** Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.

Mitigation Measure Hydro-4: **NPDES Best Management Practices**. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts.

1. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.

The property owner will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.

The property owner will ensure that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude operations from diminishing the functionality of the system.

CEQA FINDINGS

The City of Milpitas has determined that with the implementation of mitigation measures identified in this Mitigated Negative Declaration, the proposed Project will not have a significant effect on the environment. If this Mitigated Negative Declaration is adopted by the City of Milpitas, the requirements of CEQA will be met by the preparation of this Mitigated Negative Declaration and the Project will not require the preparation of an Environmental Impact Report. This decision is supported by the following findings:

a. The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community. It does not reduce the number or restrict the range of a rare or endangered plant or animal. It does not eliminate important examples of the major periods of California history or pre-history, since there is no identified area at the Project site which is habitat for rare or endangered species, or which represents unique examples of California history or prehistory. The Project does not have any significant, unavoidable adverse impacts. Implementation of specified mitigation measures will avoid or reduce the effects of the Project on the environment and thereby avoid any significant impacts.

b. The Project does not involve impacts which are individually limited but cumulatively considerable, because the Project will incorporate mitigation measures to avoid significant impacts of the Project in the context of continued growth and development in the City of Milpitas.

c. The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, because all adverse effects of the Project will be mitigated to less than significant levels.

INITIAL STUDY CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors that may be affected by the Project are listed alphabetically below. Factors marked with an "X" (☒) were determined to be potentially affected by the Project, involving at least one impact that required mitigation to reduce the impact to less than significant levels, as indicated in the Environmental Evaluation Form Checklist and related discussion that follows. Unmarked factors (☐) were determined to not be significantly affected by the Project, based on discussion provided in the Checklist, including the application of mitigation measures which the applicant has agreed to implement.

☐ Aesthetics	☐ Agricultural and Forest Resources	☒ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials	☒ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	
☐ Mandatory Findings of Significance		

There are no impacts that would remain significant with implementation of the identified mitigation measures.

LEAD AGENCY DETERMINATION

On the basis of this 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 mitigation measures to reduce these impacts will be required of the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Signature Date
Cindy Hom, Planner

EVALUATION OF ENVIRONMENTAL EFFECTS

The Checklist portion of the Initial Study begins below, with explanations of each CEQA issue topic. Four outcomes are possible, as explained below.

1. A "no impact" response indicates that no action that would have an adverse effect on the environment would occur due to the Project.

2. A "less than significant" response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the Project as proposed, which would limit the extent of this impact to a level of "less than significant."

3. Responses that indicate that the impact of the Project would be "less than significant with mitigation" indicate that mitigation measures, identified in the subsequent discussion, will be required as a condition of Project approval in order to effectively reduce potential Project-related environmental effects to a level of "less than significant."

4. A "potentially significant impact" response indicates that further analysis is required to determine the extent of the potential impact and identify any appropriate mitigation. If any topics are indicated with a "potentially significant impact," these topics would need to be analyzed in an Environmental Impact Report.

Note that this document does not indicate that any environmental topics would be considered to be "potentially significant" after application of mitigation measures identified in this document.

1. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			☒	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			☒	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			☒	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			☒	

a-d) Scenic Vistas, Resources and Visual Quality and Character. There is no designated or eligible State Scenic Highway in the vicinity of the Project nor any scenic roadway identified in the City's General Plan.[2, 3] As construction of a use with a minimal building height and size, in an area without particular visual or view concerns, the impacts related to scenic vistas, resources, visual quality, and light would be ***less than significant***.

[2] California Department of Transportation, State Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

[3] City of Milpitas, March 19, 2002, *General Plan*, p. 4-23

2. AGRICULTURE AND FORESTRY RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production(as defined by Government Code section 51104(g))?				☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?				☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				☒

a-e): The Project site is located in a developed urban area adjacent to a railway right of way. No part of the site is zoned for or currently being used for agricultural or forestry purposes or is subject to the Williamson Act. There would be ***no impact*** to agricultural and forestry resources as a result of this Project.

3. 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. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			☒	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			☒	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			☒	
d) Expose sensitive receptors to substantial pollutant concentrations?			☒	
e) Create objectionable odors affecting a substantial number of people?			☒	

a) Air Quality Plan. The Project site is subject to the Bay Area Clean Air Plan, first adopted by the Bay Area Air Quality Management District (BAAQMD) (in association with the Metropolitan Transportation Commission and the Association of Bay Area Governments) in 1991 to meet state requirements and those of the Federal Clean Air Act. As required by state law, updates are developed approximately every three years. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements related to particulate matter, toxic air contaminants, and greenhouse gases. The latest update to the plan, which was adopted in September 2010, is called the Bay Area 2010 Clean Air Plan. A newer update is in process though not yet adopted.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with regional growth assumptions or implementation of control strategies. The Project would have no direct effect on growth of population and only minimal effect on vehicle travel. Additionally, the Clean Air Plan does not recommend measures directly applicable to this type of use. The Project, therefore, would not be inconsistent with the Clean Air Plan and have a ***less than significant*** impact in this regard.

b-c) Air Quality Standards/Criteria Pollutants. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation and include ozone precursors (NOx and ROG), carbon monoxide (CO), and suspended particulate matter (PM_{10} and $PM_{2.5}$). The Bay Area is considered "attainment" for all of the national standards, with the exception of ozone. It is considered "nonattainment" for State standards for ozone and particulate matter.

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact

on air quality would be considered significant.[4]

BAAQMD's updated CEQA Guidelines, including thresholds of significance, were adopted on June 2, 2010. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when it adopted its 2010 Thresholds. The court did not determine whether the Thresholds were valid on the merits, but found that the adoption of the Thresholds was a project under CEQA. The court issued a writ of mandate ordering BAAQMD to set aside the Thresholds and cease dissemination of them until BAAQMD had complied with CEQA. The court of appeals subsequently determined the BAAQMD CEQA Thresholds do not qualify as a "project" under CEQA and do not require CEQA review. However, as this decision has been subsequently appealed, BAAQMD has yet to officially reinstitute their thresholds.

The 2010 Thresholds have been used in this analysis for a conservative determination of impact significance. These thresholds are average daily emissions of 54 pounds per day or 10 tons per year of NOx, ROG or $PM_{2.5}$ and 82 pounds per day or 15 tons per year of PM_{10}.

Project-related air quality impacts fall into two categories: short-term impacts that would occur during construction of the Project and long-term impacts due to Project operation.

Construction Emissions

BAAQMD presents screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in emissions over criteria levels. For example, this table includes a construction-period criteria pollutant screening level of 277,000 square feet for construction of various commercial and industrial uses.[5] While a mini storage facility is not specifically listed on this screening table, it can be reasonably concluded from a comparison to the entries on this table that construction activities required for this 100,740 square foot facility, being only 36% the size of the screening size for listed commercial/industrial uses, would be well below threshold levels. The impact related to construction-period air quality emissions is ***less than significant***.

However, BAAQMD recommends implementation of construction mitigation measures to reduce construction-related criteria pollutant and fugitive dust emissions for all projects, regardless of the significance level of construction-period impacts. These basic measures are included in Mitigation Measure Air-1, below and would further reduce construction-period criteria pollutant impacts.

Mitigation Measure Air-1: **Basic Construction Management Practices.** The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures".

ix) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

x) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

[4] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, p. 2-1.
[5] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

xi) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

xii) All vehicle speeds on unpaved roads shall be limited to 15 mph.

xiii) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

xiv) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

xv) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

xvi) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure Air-1 would further reduce ***less than significant*** construction-period criteria pollutant impacts consistent with BAAQMD recommendations.

Operational Emissions

Operational emissions for criteria pollutants have been calculated using the California Emissions Estimator Model ("CalEEMod") (version 2013.2.2) and the project specifics, as detailed in Attachment F, consistent with BAAQMD recommendations and guidelines. **Table 1** presents the results of the emissions modeling and the respective thresholds.

TABLE 1: OPERATIONAL CRITERIA POLLUTANT EMISSIONS

	ROG	**NOX**	**PM10 EXHAUST**	**PM2.5 EXHAUST**
Operational – Daily, lbs/day				
Project Emissions	4.6	3.1	0.05	0.04
Thresholds	54	54	82	54
Operational – Annual, tons/year				
Project Emissions	0.82	0.53	0.008	0.008
Thresholds	10	10	15	10
Project emissions are unmitigated. Source: Lamphier-Gregory modeling of emissions using CalEEMod				

As shown in the above table, all operational emissions would be below applicable thresholds of significance. Therefore, impacts related to operational emissions of criteria pollutants and precursors are ***less than significant***.

Carbon Monoxide Emissions

Pursuant to BAAQMD Guidelines, localized CO concentrations should be estimated for projects in which (1) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (2) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below grade roadways).

The project does not conflict with a congestion management program and project-generated traffic would not increase traffic volumes past threshold levels (see the Transportation/Traffic section for additional traffic information). The impact related to carbon monoxide concentrations would be ***less than significant***.

d) Sensitive Receptors. For the purpose of assessing impacts of a proposed project on exposure of sensitive receptors to risks and hazards, the threshold of significance is exceeded when the project-specific cancer risk exceeds 10 in one million or the non-cancer risk exceeds a Hazard Index of 1.0. Examples of sensitive receptors are places where people live, play or convalesce and include schools, hospitals, residential areas and recreation facilities.

Construction Health Risk

Construction activity that uses traditional diesel-powered equipment results in the emission of diesel particulate matter including fine particulate matter, which is considered a toxic air contaminant (TAC) and potential health risk. The generation of these emissions would be temporary, confined to the construction-period.

The Project site is not directly adjacent to sensitive receptors, though residential lots are located as close as 200 feet away, across roadways and/or railways. Construction-period TAC emissions could contribute to increased health risks to nearby residents from TACs. While BAAQMD does not provide a screening level to determine projects that are small enough that they can be assumed to be below significance thresholds, the modeling to quantify health risks was not originally intended for emissions periods spanning less than 7 years and is not recommended by any agency for use for less than a 2 year period, which is longer than the proposed construction period.

For these reasons, similar to the approach for construction-period criteria pollutants, potential TAC emissions impacts should be minimized through implementation of construction management practices rather than quantification of emissions (which are expected to be below significance levels).

Mitigation Measure

Air-2: **Construction Emissions Minimization Practices**. The project shall demonstrate compliance with the following Construction Emissions Minimization Practices prior to issuance of demolition, building or grading permits:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

    a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;

    b) All off-road equipment shall have:

i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and

ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).

c) Exceptions:

i. Exceptions to 1(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply.

ii. Exceptions to 1(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the City that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the City that the requirements of this exception provision apply. If granted an exception to 1(b)(ii), the project sponsor must comply with the requirements of 1(c)(iii).

iii. If an exception is granted pursuant to 1(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment, including a Tier 2 engine standard and the following emissions control/alternative fuel in order of preference if available: 1) ARB Level 2 VDECS, 2) ARB Level 2 VDECS, or 3) Alternative Fuel.

Mitigation Measure Air-2 would further reduce ***less than significant*** construction-period health risk impacts.

Operational Health Risk

Operation of the Project would not be considered a source of hazardous emissions. The manager's apartment proposed as part of the project would be considered a new sensitive receptors (residence) that could be subject to existing sources of TACs. However, preliminary assessment of BAAQMD screening tools for area sources of TACs suggests the health risk in the area would be below threshold levels. The impacts related to operational health risk would be ***less than significant***.

e) Objectionable Odors. Operation of the Project would not result in objectionable odors. During construction, diesel-powered vehicles and equipment would create odors that some may find objectionable. However, these odors would be temporary and not likely to be noticeable much beyond the Project site's boundaries. Therefore, the potential for objectionable odor impacts is considered ***less than significant***.

4. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		☒		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?		☒		
c) 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?				☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				☒

a, b) Special Status Species and Habitat. The Project is already fully developed and surrounded by other developed properties. There are no special status species or habitat on the Project site. Berryessa Creek is located between 250 and 300 feet to the west of the Project site and is generally characterized by common species associated with ruderal conditions throughout the Bay Area. The Project does not propose any disturbance of the creek.

There are some trees on the Project site and located nearby. Common birds such as house finch, American robin, northern mockingbird, European starling, and/or Brewer's blackbird could utilize nearby trees. These species are locally and regionally abundant, and Project effects on these species would be minimal or nil. However, note that nearly all native birds are protected under the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code, so the following mitigation would be applicable to prevent a "take" of these species under these regulations related to disturbance during nesting.

Mitigation Measure

Bio-1: **Nesting Birds.** If construction occurs during the breeding season (February through August), the site and a surrounding radius of not less than 0.5 miles shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code. Pre-construction surveys shall be conducted within 15 days prior to start of work and shall be submitted to the Building Division. If the survey indicates the potential

presences of nesting birds, the applicant shall comply with recommendations of the biologist regarding an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be based to a large extent on the nesting species and its sensitivity to disturbance.

There are no other special status species with the potential to be significantly impacted by the Project.

With implementation of Mitigation Measure Bio-1, the impact related to special-status species and habitats would be ***less than significant***.

c) Wetlands. There are no wetlands on or adjacent to the Project site. Berryessa Creek is located between 250 and 300 feet to the west of the Project site, but disturbance of the creek is not proposed as a part of the Project and there would be ***no impact*** related to wetlands.

d) Wildlife Corridors. The Project site is fully developed and surrounded by other developed areas. The Project would have ***no impact*** related to movement of wildlife.

e, f) Local Policies and Ordinances and Conservation Plans. There are no local policies or ordinances related to biological resources directly applicable to this Project nor any conservation plans. No tree removal is proposed with this Project. Therefore, the Project would have no impact regarding conflicts with local policies and ordinances.

5. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Section 15064.5?				☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Section 15064.5?			☒	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			☒	
d) Disturb any human remains, including those interred outside of formal cemeteries?			☒	

a) Historic Resources. The existing buildings on the project site were constructed between 1956 and 1968. Although these structures are or are near historic age (50 years), they do not qualify for historic status under CEQA based on the following.

A historical resource may be any object, building, structure, site, area, place, record, or manuscript which is determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by a lead agency.

Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources[6] which includes the following criteria:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

The existing buildings on the project site are mostly metal sheds and other common industrial type office buildings. The structures do not meet any of the criteria described above to qualify a structure for listing on the California Register of Historical Resources. Based on these criteria, the Project would have ***no impact*** related to historic resources.

b, c) Archaeological/Paleontological Resources. The Project site has been previously developed and is fully covered by paving and structures. Ground disturbance is proposed for the entire site. While not

[6] Public Resources Code §5024.1, Title 14 CCR, Section 4852

expected, it is possible that buried prehistoric resources may be found. If archaeological or paleontological resources are discovered on site, these resources shall be handled according to CEQA Section 15064.5(c), which calls on lead agencies to refer to the provisions of Section 21083.2 of the Public Resources Code, or Section 21084.1 if the archaeological site is determined to be a historical resource. This is standard procedure for any project in California, so the impact is considered ***less than significant***.

d) Human Remains. There are no known human remains that would be disturbed by the proposed Project. If human remains are found during construction activities at the Project site, they will be handled according to Section 7050.5 of the Health and Safety Code or, if the remains are Native American, Section 5097.98 of the Public Resources Code as per CEQA Section 15064.5(d). This is standard procedure for any project in California, so the impact is considered ***less than significant***.

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

a-d) Geologic Hazards. The San Francisco Bay Area is a seismically active region and the structure is likely to encounter strong seismic ground shaking during its lifetime. The Project requires building permits and will be required to be constructed to the current building code standards including consideration of soil, geologic, and seismic conditions.

The Hayward fault zone passes through the western part of the Milpitas Hillside Area[7]. However, the project site does not lie within the Alquist-Priolo Earthquake Fault Zoning Map for the Hayward fault. Therefore, there would be no impact related to rupture of a known earthquake fault.

The Project is located in a relative flat area with no slopes that could be considered a landslide risk. There would be no impact related to landslides.

The Project would not involve changes in topography or soil erosion. There are no recognized unique geologic features or physical features that would be affected by the construction of the proposed Project. Therefore, impacts related to geology and soils would be ***less than significant***.

e) Septic Tanks. The Project would not include the use of septic tanks and associated disposal facilities. Therefore, the Project would have ***no impact*** in this regard.

[7] City of Milpitas, March 19, 2002, *General Plan*, p. 5-6.

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

a) Greenhouse Gas Emissions. BAAQMD has determined that greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. BAAQMD adopted a threshold of significance for operational GHGs of 1,100 metric tons carbon dioxide equivalent (CO_2e) per year or, if the project is too large to meet that threshold, an efficiency threshold of 4.6 metric tons CO_2e per service population per year. (See the Air Quality section for additional discussion of status of BAAQMD thresholds.)

BAAQMD does not suggest a threshold for assessment of construction-period GHG emissions impacts or provide a screening level at which to compare projects. However, with a project on an already developed site requiring little site preparation, construction-period GHG emissions would add a small amount to the lifetime operational GHG emissions and would not change conclusions discussed below.

GHG emissions were calculated with CallEEMod using the same methodology as described in the Air Quality section and detailed in Attachment 1.

The Project is anticipated to result in an emission of approximately 544 metric tons per year of CO_2e. This increase in total GHG emissions associated with the Project would be below the 1,100 metric tons per year threshold and therefore, the impact would be ***less than significant***.

b) Greenhouse Gas Reduction Plans. The Project is not located in a community with an adopted qualified GHG Reduction Strategy, so consistency with such a plan cannot be analyzed. GHG emissions associated with the proposed Project were analyzed per the BAAQMD Guidelines. BAAQMD's thresholds and methodologies take into account implementation of state-wide regulations and plans, such as the AB 32 Scoping Plan and adopted state regulations such as Pavley and the low carbon fuel standard. Therefore, there would be ***no impact*** in relation to consistency with GHG reduction plans.

8. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			☒	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			☒	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			☒	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 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?				☒
f) 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?				☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				☒
h) 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?				☒

a, b) Hazardous Materials. The site was developed in the 1950's when it was converted from agricultural uses to a concrete plant. A Phase I Environmental Site Assessment (Attachment B) was conducted for the site and submitted to the City. It was found that waste oil, reportedly used for dust control prior to the site being paved, containing elevated concentrations of diesel and oil-range total petroleum hydrocarbons (TPH), occur on site limited to the upper few feet of soil beneath the concrete and base rock section and appear to be sporadic. (**Less than Significant with Mitigation**)

The groundwater in the area contains contaminants associated with the prior industrial use. As summarized in the attached Soil and Ground Water Quality Evaluation (Attachment C), the contaminant levels are neither affected by development of the site as a mini storage facility nor affect the proposed use at the site.

It was also determined that no hazardous material spill incidents have been reported in the site vicinity that would significantly impact the site.

Mitigation Measure

Haz-1: **Site Management Plan and Health and Safety Plan.** As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall prepare a Site Management Plan and Health and Safety Plan as recommended by the Phase I Environmental Site Assessment and the subsequent Soil

and Ground Water Quality Evaluation, to establish appropriate management practices for handling impacted soil and ground water that may be encountered during construction activities. These materials may require special handling and disposal. Compliance with this recommendation will alleviate hazards to the public or the environment.

c) Hazardous Materials Near Schools. The closest school sites, Curtner Elementary School and Milpitas High School, are located a quarter mile away from the site. The site no longer handles materials considered to be hazardous, which previously included petroleum hydrocarbons, oil and grease, and pesticides. The Project represents a ***less than significant impact*** relative to the potential exposure of the public including students at nearby schools to hazardous materials.

d) Government Code Section 65962.5. The project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. This is due to voluntary clean-up efforts through the County of Santa Clara Department of Environmental Health for remediation of TPH concentrations in the soil. Although there is an open record, the project does not represent a significant hazard to the public or the environment, as the site is in process of being cleaned up. The impact related to hazardous materials sites pursuant to Government Code Section 65962.5 is ***less than significant***.

e, f) Airport Hazards. The closest airport is Mineta San Jose International Airport (SJC) which is one of the three major airports servicing the Bay Area. SJC is more than 5 miles from the Project site. The Project site is not within the flight path and is not constrained by height and use restrictions in any airport land use plan. The proposed project does not include elements dangerous to aircraft such as blinking lights, smoke columns, or attraction of birds. There are no other airports, either public or private within the vicinity of the Project. There would be ***no impact*** related to airport hazards.

g) Emergency Response Plan. The Project would not substantially alter traffic patterns and would not impair implementation of any adopted emergency response plan or emergency evacuation plan. Therefore, the Project would have ***no impact*** in this regard.

h) Wildland Fire. The Project site is located in an urbanized area removed from areas typically subject to wildland fire. Therefore, the Project would have ***no impact*** related to wildland fire.

9. **HYDROLOGY AND WATER QUALITY** Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants, e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash?		☒		
b) 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)?		☒		
c) 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?		☒		
d) Substantially increase the rate or amount of surface runoff (e.g., due to due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?		☒		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?		☒		
f) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?		☒		
g) 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?			☒	
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			☒	
i) 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?			☒	
j) Inundation by seiche, tsunami, or mudflow?			☒	

a-f) Water Quality and Pollutants. The Project could result in a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade water quality, but this impact would be reduced through required implementation of construction-period and post construction water quality mitigation measures. (**Less than Significant with Mitigation**)

Construction will involve demolition, excavation and grading activities. These construction activities could degrade water quality in Berryessa and Celera Creeks because of potential sheet flow runoff into these waterways. Construction activities would generate dust, sediment, litter, oil, paint, and other pollutants that could temporarily contaminate runoff from the site.

Mitigation Measures

Mitigation Measure Hydro-1: **NPDES General Permit for Construction.** As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following:

9. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

10. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

11. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

12. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

13. All trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard.

14. All paved access roads, parking areas, staging areas and streets adjacent to the construction site shall be swept daily (with water sweepers).

15. Vegetation in disturbed areas shall be replanted as quickly as possible.

16. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed if requested by the City.

Mitigation Measure Hydro-2: **Compliance with SWPPP.** The Project proponent shall prepare and file a draft Stormwater Pollution Prevention Plan (SWPPP) that addresses measures to minimize and control construction runoff. A copy of the draft SWPPP will be submitted to the City of Milpitas for review and approval prior to start of construction. When approved, the certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.

With required compliance with the SWPPP and implementation of NPDES General Construction permit's Best Management Practices during construction, the Project would not violate any adopted water quality standards or waste discharge requirements. Runoff will be routed to on-site treatment facilities prior to discharge to the storm drainage system, and runoff would not flow off-site.

After development, the Project will contribute stormwater runoff pollutants from building roof tops and paved areas. Runoff from streets and parking areas often carries grease, oil, and trace amounts of heavy metals into natural drainages. Although the amounts of these pollutants ultimately discharged into the waterways are unknown, over time they could accumulate and be substantial.

Because the Project has more than 10,000 square feet of total replaced impervious surfaces, and the total replaced impervious area (100,740 square feet) is more than 50% of the existing impervious area, the NPDES C.3 provisions for source control site design and water treatment requirements will apply to the Project.

Mitigation Measures

Mitigation Measure
Hydro-3: **NPDES C.3 Requirements – Stormwater Control Plan.** Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.

A Stormwater Control Plan (SWCP) for the proposed Project has been submitted to the City of Milpitas. The SWCP includes recommendations on the use of permanent Best Management Practices (BMP) for the Project. Probable design storm flows and permanent BMP selections are presented in this report, intended to meet the technical requirements of the SCVURPPP C.3 Stormwater Handbook.

Key elements of the Project's proposed SWCP are discussed below.

1. *Biotreatment Pond.* The stormwater collected within the proposed project will be treated by a biotreatment pond to be built during the construction phase of the project. The storm runoff from the site will be directed to the on-site storm drainage system before runoff is discharged to the pond. The treatment pond is a depressed landscaping area that allows the collection of stormwater runoff to percolate through a sandy soil into a sub-drain which facilitates pollutant removal.

2. *Labeling Of Stormwater Inlets*. Storm water inlets shall have metal badges installed with the logo "No Dumping -Flows to Bay". This measure is intended to prevent unlawful dumping of waste materials such as motor oil or trash into the inlets by educating citizens of potential contamination.

3. *Integrated Pest Management.* Alternative methods for pest reduction methods will be employed to limit the usage of pesticides. Methods may include the incorporation of planting materials. Owner and maintenance staff shall review and adhere to the Landscape Maintenance Techniques for Pest Reduction as specified in the plan.

4. *Preventive Maintenance of Structural BMPs.* The property owner will enter into a perpetual maintenance contract for the maintenance of the biotreatment pond and flow-through planters during post-construction operations. Regular maintenance, sweeping, and trash pick-up from the parking and landscaping areas will be created to decrease the possibly of solids and pollutants entering into the on-site storm drainage system.

5. *Materials Handling and Storage.* No outside storage of materials is anticipated or allowed post-construction. Materials handling will only be allowed for normal business operations for office use. No car washing will be allowed within the project site. No vehicle storage will be anticipated on-site.

Once constructed, on-going operations and maintenance of all water quality elements of the Project will be required. The following mitigation measure assures appropriate implementation of BMPs

throughout the Project lifetime.

Mitigation Measures

Mitigation Measure
Hydro-4: **NPDES Best Management Practices**. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts.

2. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.

The property owner will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.

The property owner will ensure that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude operations from diminishing the functionality of the system.

With implementation of the proposed Stormwater Control Plan and compliance with the SWPPP and its associated Best Management Practices during Project operations, the Project would not violate any adopted water quality standards or waste discharge requirements. On-going operations and maintenance of the proposed stormwater treatment systems will result in a ***less than significant*** impact on water quality.

Groundwater Supplies and Recharge: The Project would not 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. **(Less than Significant)**

Potable water will be provided to the Project by the City of Milpitas, based on supplies provided by the San Francisco Public Utilities Commission. No groundwater would be used by the Project. In terms of groundwater recharge, the Project site is currently approximately 100 percent paved and stormwater on the Project site does not contribute to recharging of the groundwater aquifers, but drains to the site's stormwater system and into Berryessa Creek. Implementation of the Project would not impede groundwater recharge or lessen groundwater supplies.

g-j) Flooding and Inundation. The Project is located within the 100 year flood zone[8]. However, the project does not contain housing nor does it present a risk for flooding or redirection of flood flows (***less than significant).***

The Project proposes to add 3-4 feet of fill to the project site, thereby increasing the overall site elevation and eliminating the chance of flooding and reducing risk for inundation. Therefore, there would be a ***less than significant*** impact related to flooding and inundation.

[8] Federal Emergency Management Agency (FEMA), October 16, 2012, Flood Insurance Rate Map (FIRM), Map Number 06081C0169E, Panel 169 of 510.

10. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				☒
b) 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?				☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				☒

a) Physical Division of a Community. The Project involves redevelopment of an existing use at the site and does not involve any physical changes that would have the potential to divide the established community. (***No Impact***)

b) Conflict with Land Use Plan. The Project site is already developed with a prior industrial use. Therefore, the Project would have ***no impact*** with regard to land use plan conflicts.

c) Conflict with Conservation Plan. The Project site is not subject to a conservation plan. It is surrounded by urban development and has been designated for such land use for a considerable period of time. The Project would, therefore, have ***no impact*** under this item.

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

a, b) Mineral Resources. The site contains no known mineral resources.[9] The Project would have ***no impact*** with regard to mineral resources.

[9] U.S. Geological Survey, 2005, Mineral Resources Data System: U.S. Geological Survey, Reston, Virginia. Available through: http://tin.er.usgs.gov/mrds/

12. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?				☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			☒	
e) 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, exposure of people residing or working in the project area to excessive noise levels?				☒
f) For a project in the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?				☒

a-f) Excessive Noise or Vibration. Operation of a mini storage facility does not produce substantial levels of vibration or noise. The use is not considered noise sensitive and while the Project location is in an existing industrial area, noise levels are expected to be within acceptable and conditionally acceptable levels (65 to 80 dBA).[10,] (***No Impact***)

Standard construction practices and hours are assumed, consistent with City regulations. Impacts from noise and vibration generated by construction of the Project would be ***less than significant***.

[10] City of Milpitas, March 19 2002, *General Plan*, Chapter 6.

13. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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)?				☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				☒

a-c) Substantial Population Growth. The proposed Project would displace neither existing housing nor people. With an increase of only 5,000 square feet, it would not substantially increase employment or induce population growth. Therefore, there would be a ***less than significant*** impact related to population and housing.

14. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services?	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Fire protection.				☒
b) Police protection.				☒
c) Schools.				☒
d) Parks.				☒
e) Other public facilities.				☒

a-e) Public Services. The proposed Project would not increase the population or substantially increase demand for public services. Therefore, there would be ***no impact*** to public services.

15. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.				☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				☒

a-b) Recreation. The proposed Project would not construct or substantially increase the use of recreational facilities. Therefore, there would be ***no impact*** in this regard.

16. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			☒	
b) 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?			☒	
c) 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?				☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			☒	
e) Result in inadequate emergency access?				☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				☒

a, b) Vehicle Circulation and Congestion. A traffic study was prepared for the project by TJKM Transportation Consultants, dated February 17, 2015. The study utilized trip rates from the Institute of Transportation Engineers' (ITE) publication *Trip Generation, 9th Edition* for self-storage facilities.

As outlined in the Valley Transportation Authority (VTA) Congestion Management Program (CMP) Transportation Impact Analysis Guidelines dated October 2014, detailed analysis of intersection impacts is generally required for projects that generate 100 or more peak hour trips. The City of Milpitas is a member of VTA, and as such, adheres to VTA guidelines when preparing transportation impact analyses.

The proposed self-storage project at buildout would generate 19 AM peak hour trips and 36 PM peak hour trips, which are both considerably lower than the threshold set forth by VTA. For this reason, the City of Milpitas has concluded that no additional traffic analysis is necessary and the impact of the project on offsite traffic operations would be ***less than significant***.

c) Air Traffic Patterns. The proposed Project would not have an effect on air traffic patterns. (***No Impact***.)

d) Hazards. Due to the low number of both AM and PM trips that would be generated by the proposed project, the access and circulation are adequate to handle projected traffic levels.

The impact related to traffic hazards would be ***less than significant***.

e) Inadequate Emergency Access. The one full-access driveway on Hanson Court on the north side of the

project site, and the emergency vehicle access (EVA) proposed on Hanson Court on the south portion of the Project site is considered adequate for all purposes, including emergency access.

The Project would have ***no impact*** with regard to inadequate emergency access.

f) Alternative Modes. The proposed Project would not substantially change access to pedestrian, bicycle or transit facilities nor would it substantially increase demand for such uses. The Project would have ***no impact*** with regard to alternative modes.

17. UTILITIES AND SERVICE SYSTEMS Would the project	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				☒
b) 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?				☒
c) 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?				☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				☒
e) 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?				☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?				☒

a-g) Utilities. The Project will result in redevelopment of a similar allowed use. While the proposed structure would be larger than that existing, current building standards include more efficient usage of energy and water and changes in solid waste generation would be minimal. The impact on utilities and service systems would be ***less than significant***.

18. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?			☒	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			☒	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			☒	

a) Environmental Quality. With implementation of mitigation measures, as identified in this checklist, the Project would not 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, or threaten to eliminate a plant or animal community. The Project would not impact rare or endangered wildlife species, or eliminate important examples of the major periods of California history or prehistory.

b, c) Cumulative Impacts and Adverse Effects on Human Beings. The Project would not result in adverse impacts that are individually limited but cumulatively considerable and would not involve substantial adverse effects on human beings, either directly or indirectly, including effects for which project-level mitigation were identified to reduce impacts to less than significant levels. All of these potential effects would be less than significant with implementation of mitigation measures identified in this document and would not contribute in considerable levels to cumulative impacts.

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City of Milpitas
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SOURCES

1. Bay Area Air Quality Management District, May 2011, California Environmental Quality Act Air Quality Guidelines.
2. Bay Area Air Quality Management District, May 2010, Screening Tables for Air Toxics Evaluation During Construction, Version 1.0.
3. California Department of Transportation, State Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm
4. City of Milpitas, March 19, 2002, General Plan.
5. Federal Emergency Management Agency (FEMA), October 16, 2012, Flood Insurance Rate Map (FIRM), Map Number 06081C0169E, Panel 169 of 510.
6. U.S. Geological Survey, 2005, Mineral Resources Data System: U.S. Geological Survey, Reston, Virginia. Available through: http://tin.er.usgs.gov/mrds/

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ATTACHMENT A:

TRIP GENERATION AND PARKING SUMMARY

(NOTE THAT APPENDICES TO THIS DOCUMENT HAVE BEEN OMITTED FROM THE PRINTED COPY.
A DIGITAL COPY INCLUDING APPENDICES IS AVAILABLE AT
THE CITY OF MILPITAS , PLANNING & NEIGHBORHOOD SERVICES DEPARTMENT)

ATTACHMENT B:

PHASE I ENVIRONMENTAL SITE ASSESSMENT

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ATTACHMENT C:

SOIL AND GROUND WATER QUALITY EVALUATION

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ATTACHMENT D:

GEOTECHNICAL INVESTIGATION

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THE CITY OF MILPITAS PLANNING & NEIGHBORHOOD SERVICES DEPARTMENT)

ATTACHMENT E:

STORM WATER MANAGEMENT PLAN

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ATTACHMENT F:

CALIFORNIA EMISSIONS ESTIMATOR MODEL (CALEEMOD)

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