

EXHIBIT A

**AFFIDAVIT OF PUBLICATION
(Notice of Joint Public Hearing)**

I, Diana Barnhart, whose business address is 455 E. Calaveras Boulevard, Milpitas, California, do hereby certify that the Notice of Joint Public Hearing was published in the *Milpitas Post* newspaper, on March 26, April 2, April 9 and April 16, 2009 regarding the proposed redevelopment plan amendment to the Great Mall Redevelopment. Attached is a proof copy and proof of publication sent by the newspaper.

I certify under penalty of perjury that the foregoing is true and correct.

Diana Barnhart

Representative:

4-7-09

Date:

Attachments

- Proof copy of newspaper notice
- Proof of publication from newspaper

PROOF OF PUBLICATION
(2015.5 C.C.P.)
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

This space is for the County Clerk's Filing Stamp

City of Milpitas
PROOF OF PUBLICATION

6819

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Principal clerk of the printer of the

FILE NO. _____

MILPITAS POST

59 Marylinn Drive, Milpitas, California, a newspaper of general circulation printed every Thursday, in the City of Milpitas, California, County of Santa Clara, and published in the City of Milpitas, California, County of Santa Clara; and which newspaper as been adjudged a newspaper of general circulation by the Superior Court of the Santa Clara, State of California, Case Number 97379; that the notice of which the annexed is a printed copy (set in type or not smaller than nonparallel), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

see attached

03/26, 04/02, 04/09, 04/16

all in the year 2009 _____

I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)

March 26 2009 _____



Signature



**CITY OF MILPITAS
NOTICE OF JOINT PUBLIC
HEARING PROPOSED FIFTH
AMENDMENT TO THE
REDEVELOPMENT PLAN
FOR THE GREAT MALL
REDEVELOPMENT PROJECT
AND THE NEGATIVE
DECLARATION RELATED
THERETO**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milpitas ("City Council") and the Milpitas Redevelopment Agency ("Agency") will hold a joint public hearing on Tuesday, April 21, 2009, at 7:00 p.m., in the City Council Chambers, located at 455 E. Calaveras Boulevard, Milpitas, California, to consider and act upon the proposed Fifth Amendment ("Fifth Amendment") to the Redevelopment Plan ("Redevelopment Plan") for the Great Mall Redevelopment

Project ("Project" or "Project Area") and to consider all evidence and testimony for or against the approval and adoption of the proposed Fifth Amendment. At any time not later than the hour set forth above for the hearing of comments on or objections to the proposed Fifth Amendment, any person may file in writing with the City Clerk of the City of Milpitas a statement of objections to the proposed Fifth Amendment. On April 21, 2009 at 7:00 p.m., at the public hearing, any and all persons having any comments on or objections to the proposed Fifth Amendment, or who question the regularity of any of the prior proceedings, may appear before the City Council and the Agency and state why the proposed Fifth Amendment should not be adopted.

In addition, at the same time and place, the City Council and the Agency will hold a joint public hearing to consider the Negative Declaration concerning the Fifth Amendment and all evidence and testimony for or against the approval of the Negative Declaration. On April 21, 2009 at 7:00 p.m. at the public hearing, all interested persons desiring to comment on, or having objections to, the adequacy of the Negative Declaration may appear before the City Council and the Agency and be heard.

The purpose of the proposed Fifth Amendment is to extend the time limit for effectiveness of the Redevelopment Plan.

The Great Mall Redevelopment Project Area is generally bounded on the west by Great Mall Parkway, on the east by the Union and Southern Pacific Railroad tracks, on the north by Curtis Avenue and on the south by Montague Expressway. The Great Mall Redevelopment Project area also has two non-contiguous areas for freeway signs: one along I-680 on Dempsey Road and another at the southbound I-880 off ramp to Montague Expressway. A map of the boundaries of the Project Area is included as part of this public notice. The legal description of the boundaries of the Project Area is contained in Book 570 on Pages 39, 40 and 41; Book 321 on Page 429 and Book 8126 on Page 395 of the Official Records of the County of Santa Clara. A copy of the legal description is available, free of charge, at the office of the City Clerk, City of Milpitas, 455 E. Calaveras Boulevard, Milpitas, California.

Interested persons may inspect and, upon payment of the costs of reproduction, obtain copies of the proposed Fifth Amendment, the current Redevelopment Plan, the Agency's Report to the City Council on the proposed Fifth Amendment, the Negative Declaration, and any other information at the City Clerk Office, City of Milpitas, 455 E. Calaveras Boulevard, Milpitas, California.

Should you wish to challenge in court the approval and adop-

tion of the Fifth Amendment or the approval of the Negative Declaration or any related action or document, you may be limited to raising only those issues you or someone else raised at the joint public hearing described in this notice or in written correspondence delivered to the City Clerk at or prior to the joint public hearing.

ANY AND ALL PERSONS INTERESTED in or having objections may appear and be heard, or written comments may be submitted to the City Council, via the City Clerk, prior to the hearing. Written comments may be: mailed to the Agency Secretary/City Clerk, City of Milpitas, 455 E. Calaveras Blvd, Milpitas, CA 95035, or delivered to the Information Desk on the first floor of City Hall, 455 E. Calaveras Blvd, Milpitas, or sent via e-mail to: mlavelle@ci.milpitas.ca.gov.

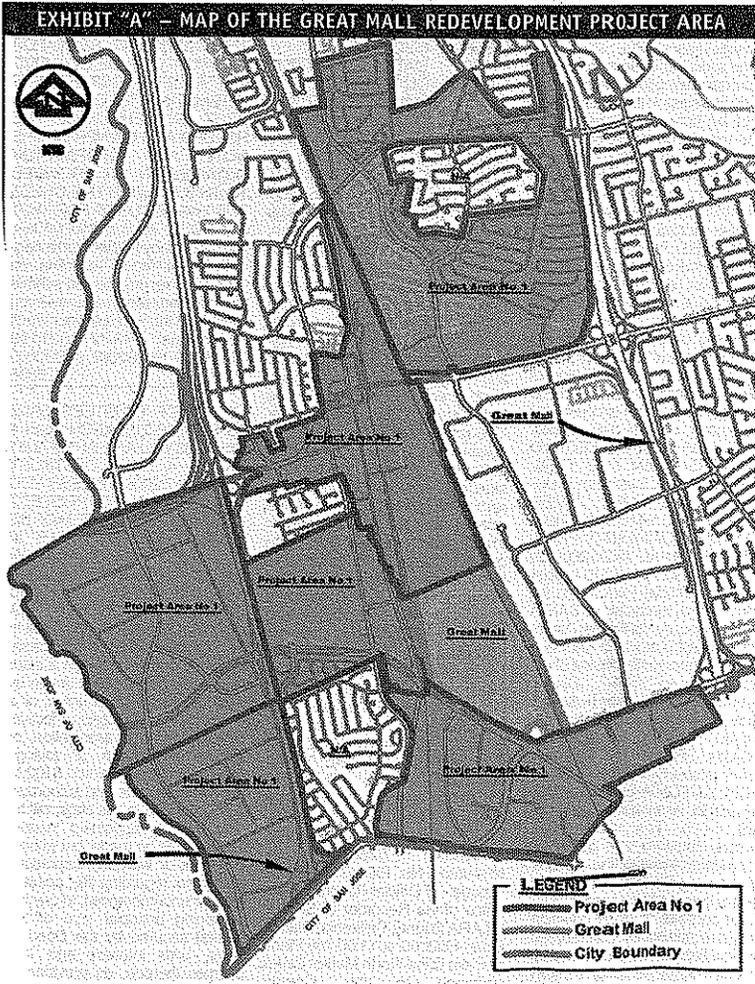
For further information, you may call Diana Barnhart at 408-586-3059, or email her at dbarnhart@ci.milpitas.ca.gov, 8:00 a.m. and 5:00 p.m., Monday through Friday.

By order of the City Council of the City of Milpitas and the Milpitas Redevelopment Agency.

Mary Lavelle
City Clerk/Agency Secretary
March 26, 2009
Pub: 03/26, 04/02, 04/09,
04/16, 2009

6819

NR
Tr
LC
OE
SI
N



CERTIFICATE OF MAILING
(Notice of Joint Public Hearing to
Property Owners and Occupants)

I, Keith Dills, whose business address is 455 East Calaveras Blvd., Milpitas, California, do hereby certify that I mailed a copy of the enclosed Notice of Joint Public Hearing for the redevelopment plan amendment to the Great Mall Redevelopment Project to each assessee in the Great Mall Project Area, as shown on the last equalized assessment roll, and to all occupants (residents and businesses) via First Class mail on March 23, 2009.

I certify under penalty of perjury that the foregoing is true and correct.

Keith Dills
Representative:

4/15/09
Date:

The list provided (including name, address, city, state and zip code) by the Planning Department was based on the City of Milpitas information on record. City staff was responsible for applying the labels to the notices and delivering the over 2,200 mailing pieces to the Milpitas Post Office.

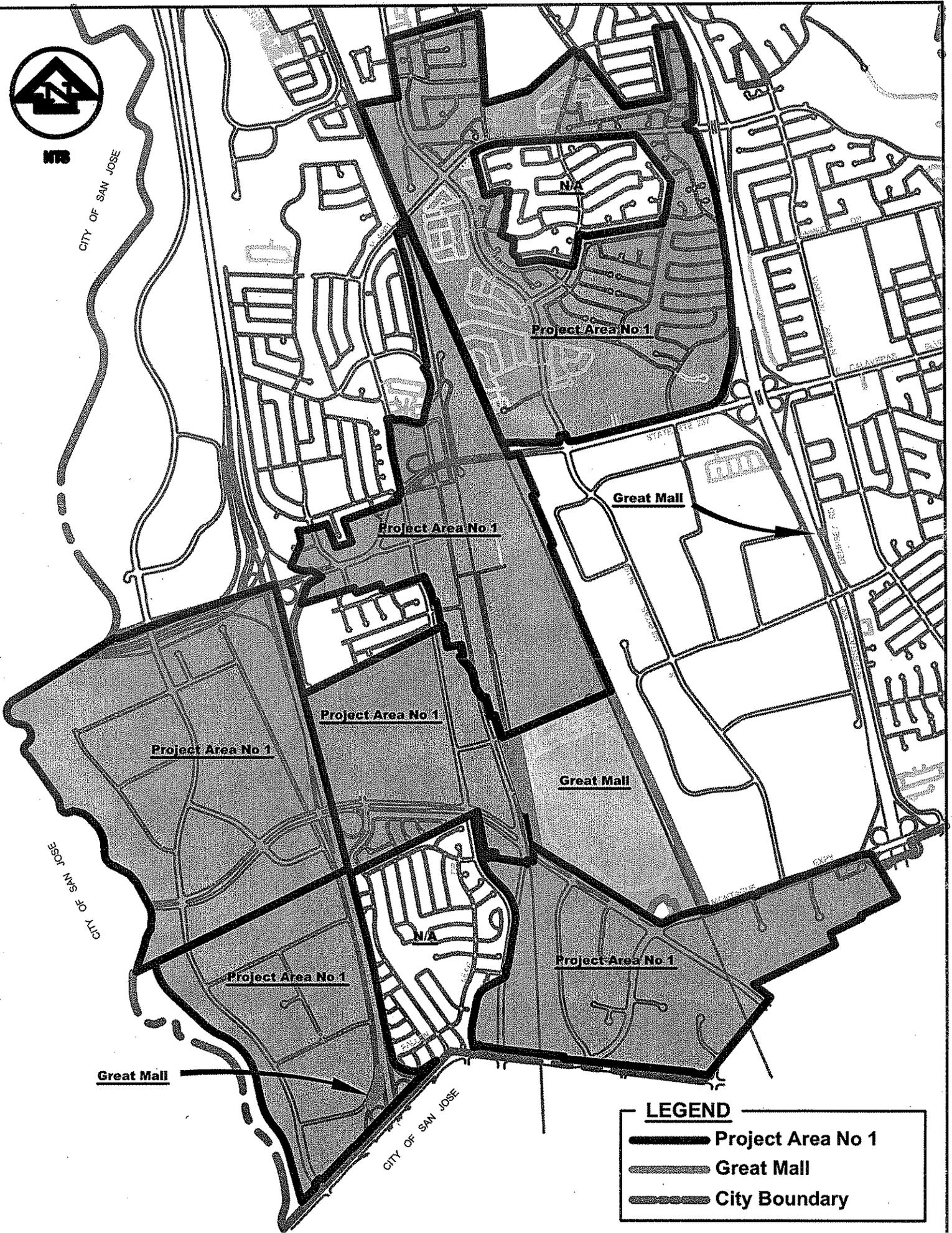
Diana Bannhart
Representative:

4-15-09
Date:



38

CITY OF SAN JOSE



LEGEND

- Project Area No 1
- Great Mall
- City Boundary

AFFIDAVIT OF MAILING
Notice of Joint Public Hearing to Affected Taxing Agencies

I, Veronica Bejives, whose business address is 455 E. Calaveras Boulevard, Milpitas, California, do hereby certify that I mailed a copy of the attached notice by certified mail on March 20, 2009, to the governing body of each taxing agency which receives taxes from property in the Great Mall Redevelopment Project of the City's proceedings and proposal to amend the Great Mall Redevelopment Project.

I certify under penalty of perjury that the foregoing is true and correct.

Veronica Bejives
Representative:

4-15-09
Date:

Attachments

- Copy of the Joint Public Hearing Notice
- Return Receipts from Affected Taxing Entities (Green Cards)

NOTICE OF JOINT PUBLIC HEARING
PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE GREAT MALL REDEVELOPMENT PROJECT AND
THE NEGATIVE DECLARATION RELATED THERETO

NOTICE IS HEREBY GIVEN that the City Council of the City of Milpitas ("City Council") and the Milpitas Redevelopment Agency ("Agency") will hold a joint public hearing on **Tuesday, April 21, 2009, at 7:00 p.m.**, in the City Council Chambers, located at 455 E. Calaveras Boulevard, Milpitas, California, to consider and act upon the proposed Fifth Amendment ("Fifth Amendment") to the Redevelopment Plan ("Redevelopment Plan") for the Great Mall Redevelopment Project ("Project" or "Project Area") and to consider all evidence and testimony for or against the approval and adoption of the proposed Fifth Amendment. At any time not later than the hour set forth above for the hearing of comments on or objections to the proposed Fifth Amendment, any person may file in writing with the City Clerk of the City of Milpitas a statement of objections to the proposed Fifth Amendment. On April 21, 2009 at 7:00 p.m., at the public hearing, any and all persons having any comments on or objections to the proposed Fifth Amendment, or who question the regularity of any of the prior proceedings, may appear before the City Council and the Agency and state why the proposed Fifth Amendment should not be adopted.

In addition, at the same time and place, the City Council and the Agency will hold a joint public hearing to consider the Negative Declaration concerning the Fifth Amendment and all evidence and testimony for or against the approval of the Negative Declaration. On April 21, 2009 at 7:00 p.m. at the public hearing, all interested persons desiring to comment on, or having objections to, the adequacy of the Negative Declaration may appear before the City Council and the Agency and be heard.

The purpose of the proposed Fifth Amendment is to extend the time limit for effectiveness of the Redevelopment Plan.

The Great Mall Redevelopment Project Area is generally bounded on the west by Great Mall Parkway, on the east by the Union and Southern Pacific Railroad tracks, on the north by Curtis Avenue and on the south by Montague Expressway. The Great Mall Redevelopment Project area also has two non-contiguous areas for freeway signs: one along I-680 on Dempsey Road and another at the southbound I-880 off ramp to Montague Expressway. A map of the boundaries of the Project Area is included as part of this public notice. The legal description of the boundaries of the Project Area is contained in Book 570 on Pages 39, 40 and 41; Book 321 on Page 429 and Book 8126 on Page 395 of the Official Records of the County of Santa Clara. A copy of the legal description is available, free of charge, at the office of the City Clerk, City of Milpitas, 455 E. Calaveras Boulevard, Milpitas, California.

Interested persons may inspect and, upon payment of the costs of reproduction, obtain copies of the proposed Fifth Amendment, the current Redevelopment Plan, the Agency's Report to the City Council on the proposed Fifth Amendment, the Negative Declaration, and any other information at the City Clerk Office, City of Milpitas, 455 E. Calaveras Boulevard, Milpitas, California.

Should you wish to challenge in court the approval and adoption of the Fifth Amendment or the approval of the Negative Declaration or any related action or document, you may be limited to raising only those issues you or someone else raised at the joint public hearing

described in this notice or in written correspondence delivered to the City Clerk at or prior to the joint public hearing.

ANY AND ALL PERSONS INTERESTED in or having objections may appear and be heard, or written comments may be submitted to the City Council, via the City Clerk, prior to the hearing. Written comments may be: mailed to the Agency Secretary/City Clerk, City of Milpitas, 455 E. Calaveras Blvd, Milpitas, CA 95035, or delivered to the Information Desk on the first floor of City Hall, 455 E. Calaveras Blvd, Milpitas, or sent via e-mail to: mlavelle@ci.milpitas.ca.gov.

For further information, you may call Diana Barnhart at 408.586.3059 or email her at dbarnhart@ci.milpitas.ca.gov, 8:00 a.m. and 5:00 p.m., Monday through Friday.

By order of the City Council of the City of Milpitas and the Milpitas Redevelopment Agency.

Mary Lavelle
City Clerk/Agency Secretary
Date:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Melinda Cervantes, Ex. Director
S.C.C. Library JP Authority
14600 Winchester Boulevard
Los Gatos, CA 95302

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Cynthia Rios* Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery
07/23/09

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Num^{er} 7007 3020 0001 0052 0832
(Transfer fro)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Linda Serdahl, Finance Manager
BAAQMD
939 Ellis Street
San Francisco, CA 94109

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery
3/23

C. Signature
X *L. Serdahl* Agent Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Num^{er} 7007 3020 0001 0051 5852

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sharon Judkins, Interim CEO
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Sharon Judkins* Agent Addressee

B. Received by (Printed Name) KIM NGUYEN C. Date of Delivery
3/23

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Num^{er} 7006 3450 0003 7794 9501

PS Form 3811, February 2004 Domestic Return Receipt 102596-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Cassibba, Dir.Gen.Serv
S.C. County Office of Education
1290 Ridder Park Drive, #MC254
San Jose, CA 95131

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *J. Cassibba* Agent Addressee

B. Received by (Printed Name) JANE FRY C. Date of Delivery
3-23-09

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Num^{er} 7007 3020 0001 0052 0849

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee

X **Received by the County of Santa Clara G.S.A. Mailroom** Addressee

B. Received by (Printed Name) **County of Santa Clara G.S.A. Mailroom** C. Date of Delivery **MAR 2 2009**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:

Lawrence Stone, County Assessor
County of Santa Clara
70 West Hedding Street, 5th Floor
San Jose, CA 95110

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0003 7794 9525

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee

X *[Signature]* Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery **MAR 2 2009**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:

LaVerne Bush
SBE, Tax Area Services Section
450 "N" Street, MIC 27
Sacramento, CA 95814

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7007 3020 0001 0052 0863

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee

X *[Signature]* Addressee

B. Received by (Printed Name) **County of Santa Clara G.S.A. Mailroom** C. Date of Delivery **MAR 2 2009**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:

Gary Graves, Acting County Exec.
County of Santa Clara
70 West Hedding St., 11th Floor
San Jose, CA 95110

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. 7006 3450 0003 7794 9495

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee

X **Received by the County of Santa Clara G.S.A. Mailroom** Addressee

B. Received by (Printed Name) **County of Santa Clara G.S.A. Mailroom** C. Date of Delivery **MAR 2 3 2009**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:

John Guthrie, Finance Director
County of Santa Clara
70 West Hedding, 2nd Floor
San Jose, CA 95110

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. 7006 3450 0003 7794 9495

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Nunez, Superintendent
 Eastside Union HS District
 830 North Capitol Avenue
 San Jose, CA 95133

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
[Signature] 3/23/09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0003 7794 9518

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Serena Muindi, Dir. Fiscal Serv.
 San Jose Evergreen CCD
 4750 San Felipe Road
 San Jose, CA 95135-1513

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
[Signature] 3-23-09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0003 7794 9532

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Martha L. Williams, Tax Collector
 County of Santa Clara
 70 West Hedding Street, 6th Floor
 San Jose, CA 95110

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
 County of Santa Clara
 G.S.A. Mailroom
 MAR 23 2009

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0003 7794 9549

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dr. Marc B. Liebman, Supt.
 Berryessa Union School District
 1376 Piedmont Road
 San Jose, CA 95132

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
[Signature] 3/23/09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0003 7794 9549

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly) <i>B. Ravala Shah</i>	B. Date of Delivery <i>3-23-09</i>
1. Article Addressed to:	C. Signature <i>K. Black</i>	
Dr. Karl Black, Superintendent Milpitas Union School District 1331 East Calaveras Boulevard Milpitas, CA 95035	D. Is delivery address different from item 1? If YES, enter delivery address below: <div style="float: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
3. Service Type <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div>		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

7007 3020 0001 0052 0856

**CERTIFICATION OF CERTAIN OFFICIAL ACTIONS IN
CONNECTION WITH THE PROPOSED ADOPTION OF THE
FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE GREAT MALL REDEVELOPMENT PROJECT**

I, Diana Barnhart, Economic Development Manager for the City of Milpitas, do hereby certify that pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*), the following official actions have been taken by the City Council of the City of Milpitas (the "Council") and the Milpitas Redevelopment Agency (the "Agency") in connection with the proposed adoption of the Fifth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project:

1. Notice of Intent to Adopt Negative Declaration posted on February 13, 2009, at the Great Mall, providing a public review period from February 13, 2009 through March 4, 2009.

2. Agency Resolution No. RA325, adopted on March 17, 2009: (1) Approving and Adopting the Report to the City Council on the Proposed Fifth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project, (2) Submitting said Report and Proposed Fifth Amendment to the City Council, and (3) Consenting to and Requesting a Joint Public Hearing on said Fifth Amendment and the Negative Declaration Pertaining Thereto.

3. Council Resolution No. 7845, adopted on March 17, 2009: Acknowledging Receipt of Documents from the Redevelopment Agency of the City of Milpitas and Consenting to and Calling a Joint Public Hearing on the Proposed Fifth Amendment to the Redevelopment Plan for the Great Mall Redevelopment Project.

The documents reflecting the official actions referred to herein are contained in the official records of the City Council and the Agency, and are incorporated herein by reference with the same effect as though set forth in full in this Certification.

Dated: March 31, 2009.



Diana Barnhart
Economic Development Manager
City of Milpitas

EXHIBIT B

**REPORT TO THE CITY COUNCIL
ON THE
PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE GREAT MALL REDEVELOPMENT PROJECT
(EXTENSION OF REDEVELOPMENT PLAN EFFECTIVENESS)**

Prepared by

THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS

February 2009

REPORT TO THE CITY COUNCIL
ON THE
PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE GREAT MALL REDEVELOPMENT PROJECT
(EXTENSION OF REDEVELOPMENT PLAN EFFECTIVENESS)

This Report to the City Council (“Report”) on the proposed Fifth Amendment (“Amendment”) to the Redevelopment Plan (“Redevelopment Plan”) for the Great Mall Redevelopment Project (“Project”) has been prepared by the Redevelopment Agency of the City of Milpitas (“Agency”) to fulfill the requirements of Sections 33352 and 33457.1 of the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; “CRL”). The proposed Amendment is being processed in accordance with the provisions of Section 33450 *et seq.* of the CRL. Section 33457.1 provides as follows:

“To the extent warranted by a proposed amendment to a redevelopment plan, (1) the ordinance adopting an amendment to a redevelopment plan shall contain the findings required by Section 33367 and (2) the reports and information required by Section 33352 shall be prepared and made available to the public prior to the hearing on such amendment.”

BACKGROUND:

The Great Mall Redevelopment Project (“Great Mall Project”) was adopted by the City Council in 1993 and consists of 150 acres. The Great Mall Project has been amended four times. The first amendment, adopted on December 6, 1994, by Ordinance No. 192.10, brought the Project Area into conformity with the CRL as amended by Assembly Bill 1290 (Stats. 1993, Chap. 942). The second amendment, adopted on October 16, 2001, by Ordinance No. 192.13, added 0.89 acres in two separate property is (located along Interstate 880 and Montague Expressway containing 0.75 acres and along Interstate 680 south of Calaveras Boulevard containing less than 0.02 acres) for the placement and maintenance of freeway signs for the Great Mall of the Bay Areas. The third amendment, adopted on October 3, 2006, by Ordinance No. 192.17, amended certain time limits consistent with Senate Bill 1096 (Stats. 2004, Chap. 211). The fourth amendment, adopted on November 29, 2006, by Ordinance No. 192.18, merged the Great Mall Project Area with Project Area No. 1.

The purpose of the Great Mall Project was for the rehabilitation and renovation of the existing improvements at the 1,200,000 square for Great Mall Shopping Center. The Agency assisted in the construction of necessary public infrastructure improvements to support this retail land use. Although the Agency does not receive tax increment revenue from the Great Mall Project, the City receives sales tax revenues from the Great Mall Project.

A Map of the Great Mall Redevelopment Project Area is attached as Exhibit A.

I. ORGANIZATION OF THE REPORT TO THE CITY COUNCIL

A. CRL Section 33352 (a): Reasons for the Amendment.

The purpose of the proposed Amendment is to extend the plan effectiveness date to continue the revitalization of the Great Mall Redevelopment Area through increased economic vitality of the area. The Great Mall Redevelopment Plan currently expires on November 2, 2010. The proposed Amendment would extend the time limit on the effectiveness of the Great Mall Redevelopment Plan to November 2, 2033, an additional 23 years.

The Great Mall Project Area was merged with Project Area No. 1 in November 2006 to facilitate and increase the economic viability of the Great Mall Shopping Center and other businesses in the area by, among other things, enabling construction of signs along freeway corridors in order to increase visibility of the Project Area's businesses.

The California Outdoor Advertising Act ("Act") applies to the placement of advertising displays within 660 feet from the edge of the right of way when the advertising copy is visible from interstate highways or primary highways (Cal. Bus. & Prof. Code 5271). Under the Act, signs advertising businesses and activities developed within the boundary limits of a redevelopment project area may, with the consent of the redevelopment agency, be located anywhere within the limits of the project area when all of the land in the project area. The signs may be in place for a period not to exceed 10 years or the termination of the redevelopment project, whichever occurs first, unless an arrangement is made for extension of the period between the redevelopment agency and CalTrans.

The City is in the process of selecting a freeway sign developer or developers to replace the two existing freeway signs in the Great Mall Project Area. Without the extension of plan effectiveness, the signs would not be allowed to continue beyond November 2, 2010.

B. CRL Section 33352 (b): Conditions of Blight.

A description of physical and economic conditions causing blight within the Great Mall Project Area is not warranted by the proposed Amendment. The CRL requires an analysis of blighting conditions only in connection with amendments to redevelopment plans that contain tax increment authority. The Redevelopment Plan for the Great Mall Redevelopment Project does not contain tax increment authority. The existence of blight in the Great Mall Project Area was conclusively established when the Redevelopment Plan was adopted in 1993.

C. CRL Section 33352 (c): Implementation Plan for the Merged Project Area.

The Agency approved the current Implementation Plan on August 1, 2006 and approved the mid-cycle update on October 7, 2008. The Implementation Plan is attached as Exhibit B.

D. CRL Section 33352 (d): Reasons for Using Tax Increment Financing.

The Redevelopment Plan does not contain tax increment financing authority.

E. CRL Section 33352 (e): Method of Financing.

The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make changes to any of the activities authorized by the Redevelopment Plan to eliminate and prevent blighting conditions or the means of financing those activities. Under the Redevelopment Plan, the Agency is authorized to finance its activities with financial assistance from the City, State of California, federal government, donations, loans from private financial institutions or any other available source, public or private.

F. CRL Section 33352 (f): Relocation Method or Plan.

The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make changes to any of the activities authorized by the Redevelopment Plan to eliminate and prevent blighting conditions. The Redevelopment Plan states that at the time of its adoption there were no occupants in the Great Mall Project Area and that no displacement was anticipated. The Redevelopment Plan further provides that if any displacement should be caused by the Agency, the Agency shall carry out relocation in accordance with state relocation laws and regulations.

G. CRL Section 33352 (g): Analysis of the Preliminary Plan.

The Preliminary Plan for the Great Mall Project Area describes the boundaries of the Project Area, contains a general statement of the land uses, building and population intensities and building standards proposed as the basis for redevelopment, shows how redevelopment purposes will be attained, shows that the proposed redevelopment is consistent with the City's General Plan, and generally describes the impact on Project Area residents and the surrounding neighborhoods. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make any changes inconsistent with the Preliminary Plan.

H. CRL Section 33352 (h): Report and Recommendations of the Planning Commission.

CRL Section 33453 requires a redevelopment plan amendment to be submitted to the community's planning commission for report and recommendation if the proposed amendment makes substantial changes that affect the community's general plan. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make any changes that affect the City's General Plan. Therefore, no report and recommendation by the City Planning Commission is required.

I. CRL Section 33352 (i): Project Area Committee.

A Project Area Committee must be formed if a proposed amendment will grant eminent domain authority or enlarge an existing project area. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and therefore does not require the formation of a Project Area Committee.

J. CRL Section 33352 (j): Conformance with City's General Plan.

The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make any changes that affect the City's General Plan.

K. CRL Section 33352 (k): Compliance with California Environmental Quality Act (CEQA)

Section 33352 (k) of the CRL requires that the Agency's Report to the City Council contain the report required by Section 21151 of the Public Resources Code (environmental compliance document). The proposed Amendment is intended to continue and improve the Agency's abilities to implement economic development objectives established in the previously adopted Redevelopment Plan. The growth-inducing (urban intensification) effects of the Redevelopment Plan for the Great Mall Project and subsequent amendments have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls. The overall, growth-inducing effects and associated environmental impacts of the Redevelopment Plan and subsequent amendments have been adequately addressed in the previously Agency-certified Environmental Impact Reports, Agency-adopted Mitigated Negative Declarations and Agency-adopted Supplemental Environmental Impact Report (SEIR) prepared for the Merger Amendment.

The Notice of Preparation/Initial Study included with the Negative Declaration identified the following issues as having no impacts as a result of the adoption and implementation of the proposed Amendment; therefore, no additional analysis within the Negative Declaration was necessary in the following areas:

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology & Soils
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	

On February 13, 2009, the Negative Declaration was circulated to the responsible entities for a 20-day review period beginning on February 16, 2009, and ending on March 4, 2009. A Notice of Intent was posted at the Great Mall property on February 13, 2009. All comments received on the Negative Declaration and the Agency's responses will be provided under a separate cover as part of the Negative Declaration presented to the Agency and City Council prior to the adoption of the proposed Amendment. The Agency proposes to approve the Negative Declaration at the Joint Public Hearing on April 21, 2009.

The Notice of Preparation/Initial Study and Negative Declaration are attached hereto as Exhibit C.

L. CRL Section 33352 (l): Report of the County Fiscal Officer.

The Redevelopment Plan for the Great Mall Redevelopment Project does not contain tax increment authority and therefore does not affect the allocation of property taxes to any taxing entity. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan. Consequently, no report of the County Fiscal Officer was required in connection with the proposed Amendment.

M. CRL Section 33325 (m): Neighborhood Impact Report.

Section 33352 (m) of the CRL requires that the Agency's Report to the City Council contain a neighborhood impact report if the redevelopment Project Area contains low or moderate income housing. The purpose of the neighborhood impact report is to describe in detail the impact of the proposed actions upon residents of the Project Area and surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and service, effect on school population and quality of education, property assessments and taxes, and other matters affecting the physical and social quality of the neighborhood. The neighborhood impact report is also to include: (a) the number of dwelling units housing persons and families of low or moderate income expected to be destroyed or removed from the low and moderate housing market as part of the redevelopment project; (b) the number of persons and families (households) of low or moderate income expected to be displaced by the project; (c) the general location of housing to be rehabilitated, developed or construction pursuant to Section 33413 of the CRL; (d) the number of dwelling units housing person and families of low and moderate income planned for construction or rehabilitation, other than replacement housing; (e) the projected means of financing the proposed dwelling units for housing persons and families of low and moderate income planned for construction or rehabilitation; and (f) a projected timetable for meeting the relocation, rehabilitation and replacement housing objectives.

A neighborhood impact report was prepared for the Great Mall Redevelopment Plan when it was initially adopted. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make changes to any of the activities authorized by the Redevelopment Plan to eliminate and prevent blighting conditions or otherwise implement and carry out redevelopment goals.. Activities of the Agency to date have resulted in the construction of housing available to low and moderate income households, the improvement of infrastructure within the Project Area and the renovation of a major retail facility within the community, all having beneficial impacts upon residents of the community.

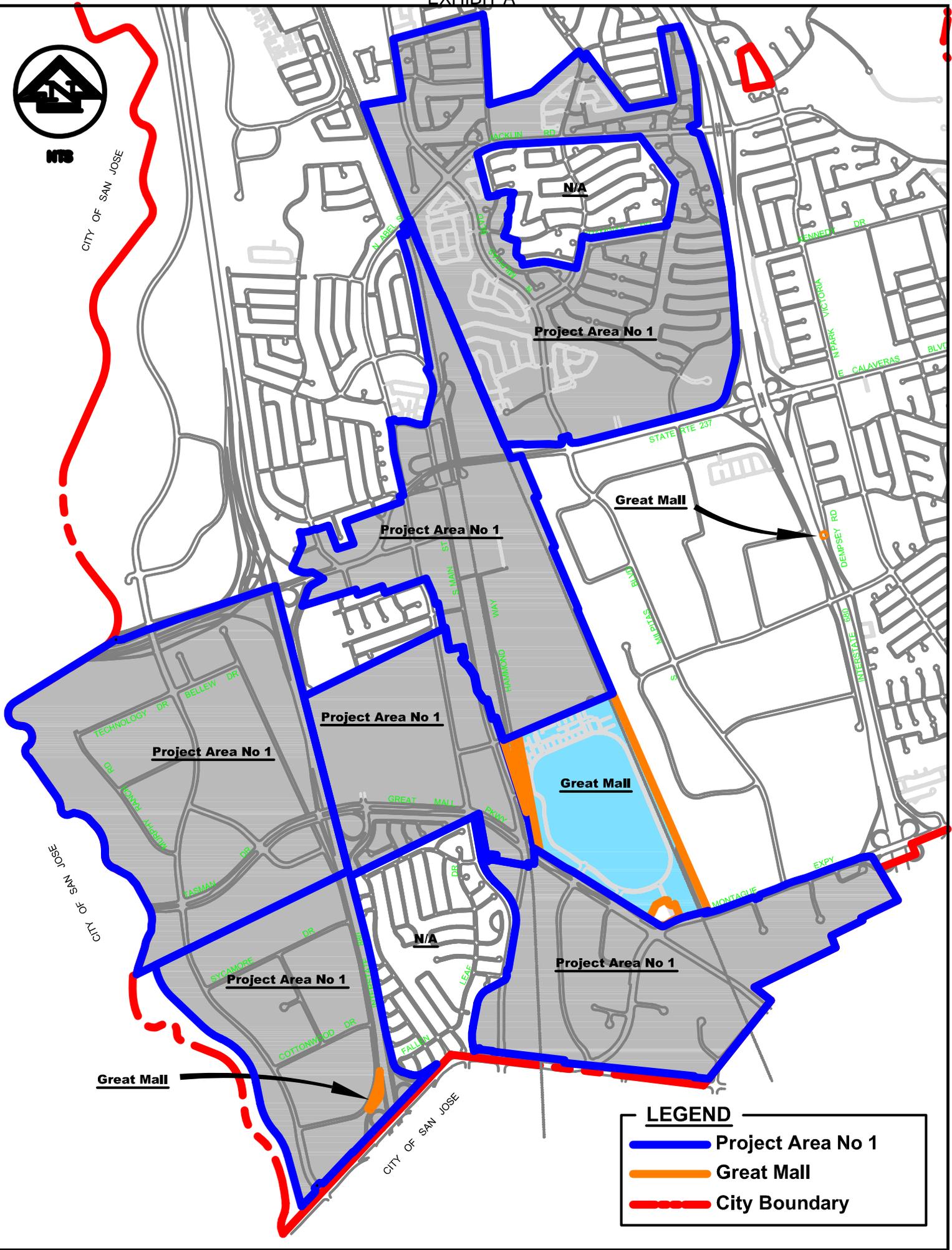
N. CRL Section 33352 (n): Summary of Consultations with Affected Taxing Agencies.

The Redevelopment Plan for the Great Mall Redevelopment Project does not contain tax increment authority and therefore does not affect the allocation of property taxes to any taxing entity. The proposed Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan. Consequently, no consultations with taxing entities were required in connection with the proposed Amendment.



14

CITY OF SAN JOSE



N/A

Project Area No 1

Great Mall

Project Area No 1

Project Area No 1

Project Area No 1

Great Mall

N/A

Project Area No 1

Project Area No 1

Great Mall

CITY OF SAN JOSE

LEGEND

 Project Area No 1

 Great Mall

 City Boundary

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE MILPITAS REDEVELOPMENT AGENCY AND THE CITY OF MILPITAS APPROVING THE NEGATIVE DECLARATION FOR THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREAT MALL REDEVELOPMENT PROJECT

WHEREAS, pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*; the “CRL”), the Milpitas Redevelopment Agency (the “Agency”) has prepared a proposed amendment to the Redevelopment Plan for the Great Mall Redevelopment Project (the “Fifth Amendment”) for the purpose of extending the duration of the Redevelopment Plan from November 2, 2010, to November 2, 2033; and

WHEREAS, as the Lead Agency, the Agency prepared an Initial Study (“Initial Study”) in accordance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; “CEQA”), the Guidelines for Implementation of the California Environmental Quality Act (Title 14, California Code of Regulations Section 15000 *et seq.*; “State CEQA Guidelines”) and procedures adopted by the Agency relating to environmental evaluation, to determine whether the proposed Fifth Amendment will have a significant effect on the environment; and

WHEREAS, based on the results of the Initial Study, the Agency prepared a negative declaration (“Negative Declaration”) for consideration by the Agency and the City Council in connection with their consideration of the proposed Fifth Amendment; and

WHEREAS, a Notice of Availability/Intent to Approve a Negative Declaration (“Notice of Availability/Intent to Approve”) was prepared by the Agency and distributed to all responsible and trustee agencies and the Santa Clara County Clerk on February 12, 2009, for a 20-day public review period ending on March 4, 2009; and

WHEREAS, the Notice of Availability/Intent to Approve stated that the Agency had completed preparation of a proposed Negative Declaration and that copies were available at the office of the Planning Division of the City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California; and

WHEREAS, the Notice of Availability/Intent to Approve was posted at the Great Mall property on February 13, 2009; and

WHEREAS, the Agency received no comments on the Initial Study/Negative Declaration during the public review period; and

WHEREAS, an addendum (the “Addendum”) to the Initial Study/Negative Declaration was subsequently prepared to correct the referenced date of proposed termination of the Great Mall Redevelopment Plan from June 30, 2040, to November 2, 2033; and

WHEREAS, references hereinafter to the Initial Study/Negative Declaration shall mean and include the Initial Study/Negative Declaration as corrected by the Addendum; and

WHEREAS, on April 21, 2009, after public notice was duly given, the Agency and City Council held a joint public hearing on the proposed Fifth Amendment, including the Initial Study/Negative Declaration, which is a part of the Report of the Agency to the City Council on the proposed Fifth Amendment.

NOW, THEREFORE, the Board of the Redevelopment Agency and the City Council of the City of Milpitas hereby find, determine and resolve as follows:

1. The Agency and City Council have reviewed and considered the Initial Study and Negative Declaration for the proposed Fifth Amendment and hereby find, on the basis of the whole record before them, that the Negative Declaration is adequate and complete and that there is no substantial evidence that the proposed Fifth Amendment will have a significant effect on the environment.

2. The Negative Declaration, in the form attached to this Resolution as Exhibit A, is hereby approved and adopted by the Agency and the City Council. The record of proceedings of the Agency and the City Council on which this Resolution is based is on file and available for public inspection during normal business hours in the office of the Planning Division of the City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California. The custodian of these documents is the Planning Director of the City of Milpitas.

3. Following the adoption by the City Council of an ordinance approving and adopting the Fifth Amendment, the Secretary of the Agency and the City Clerk of the City of Milpitas are hereby authorized and directed to jointly file with the County Clerk of the County of Santa Clara a Notice of Determination pursuant to CEQA Guidelines Section 15075.

PASSED AND ADOPTED this _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk/Agency Secretary

Robert Livengood, Mayor/Chair

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney/Agency Counsel

Great Mall Redevelopment Plan Amendment No. 5

Initial Study



City of Milpitas

February 3, 2009

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	The proposed project, with the implementation of the above mitigation measure, would not result in significant impacts to cultural resources. [Less Than Significant Impact with Mitigation]4.6	
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APPENDIX Great Mall Redevelopment Plan

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by lead agency)

On the basis of this initial evaluation:

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


2/12/09

 Signature Date

CINDY HOM FOR CITY OF MILPITAS
Printed Name For

SECTION 1 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of Milpitas. This Initial Study evaluates the potential environmental impacts, which might reasonably be anticipated from the proposed time extension of the Great Mall Redevelopment Plan to June 30, 2040. The project would extend the duration of the Plan to ensure the work of the redevelopment is completed and the goals and objectives of the Plan are fully achieved.

The original Redevelopment Plans and subsequent amendments have been adequately addressed in previous environment documents listed below:

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993.
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996
- Final Program EIR for the Eight Amendment to the Redevelopment Plan for Milpitas Redevelopment Area No. 1, State Clearinghouse No. 2002112043, 2003
- Supplemental EIR for Proposed Merger of Milpitas Redevelopment Area No. 1 and Great Mall Redevelopment Project Area, State Clearinghouse No. 2006082087

The City of Milpitas is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

SECTION 2 PROJECT INFORMATION

2.1 PROJECT TITLE

Great Mall Redevelopment Plan Amendment No. 5

2.2 PROJECT LOCATION

1100 S. Main Street, Milpitas, CA 95035

2.3 PROPERTY OWNER/PROPONENT

Milpitas Mills LP
C/O Simon Property Group
PO Box 6120
Indianapolis, IN 46206

City of Milpitas Redevelopment Agency
455 E. Calaveras Blvd.
Milpitas, CA 95035

2.4 LEAD AGENCY CONTACT

City of Milpitas
Diana Barnhart, Economic Development Manager
City Manager's Office
455 E. Calaveras Blvd.
Milpitas, CA 95035

Cindy Hom, Assistant Planner
City of Milpitas Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95035

2.5 ASSESSOR'S PARCEL NUMBERS

8624042-046, 8624053, 8624056-061, 8649005-078, 8649005-048, 8649051-078, 865013-113,
8651013-057, 865160-082

2.6 ZONING DISTRICT, GENERAL PLAN AND SPECIFIC PLAN DESIGNATIONS

Zoning District: *General Commercial with Site and Architectural Overlay (C2-S)*
General Commercial with Office Overlay and Site and Architectural Overlay (C2-OO-S)
Multi-family Residential, High Density with Site and Architectural Overlay (R3-S)

General Plan Designation: *General Commercial (GNC)*
Multi-family Residential, High Density

Specific Plan Designation: *Transit Area—General Commercial, General Commercial with Office Overlay, and Multi-Family Residential High Density*

Figure 2.1-1: Regional Map

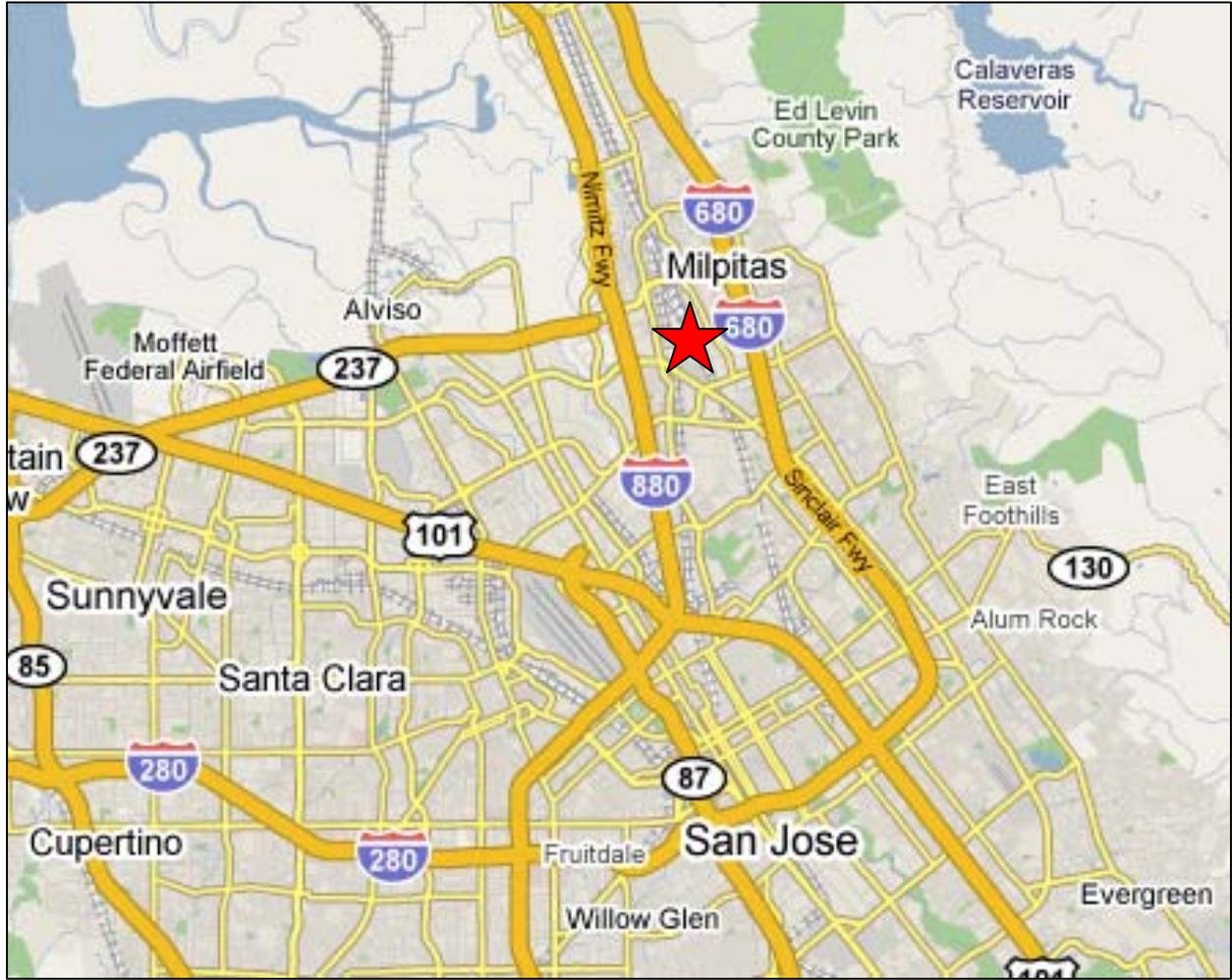
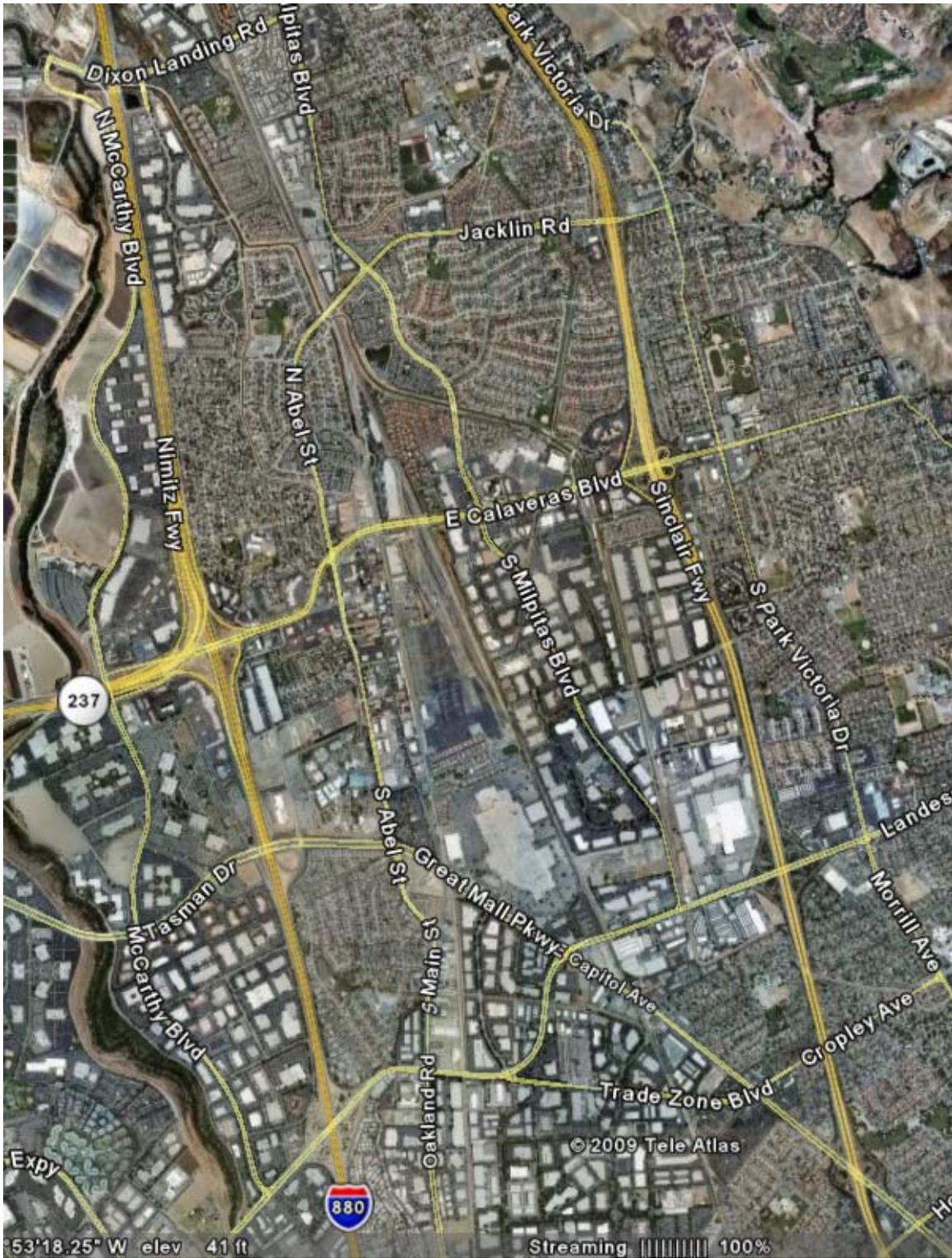


Figure 2.1-3: Aerial



SECTION 3 PROJECT DESCRIPTION

AMENDMENT TO THE GREAT MALL REDEVELOPMENT PLAN

The Great Mall Redevelopment Project Area was created to facilitate the redevelopment of the vacated Ford Motor Plan. The project is an amendment (Amendment No. 5) to the Great Mall Redevelopment plan that would extend the duration of the Redevelopment Plan from November 2, 2010 to June 30, 2040. The Great mall Redevelopment Plan was originally adopted on November 2, 1993 for a fifteen-year duration. Subsequent amendments to the Great Mall Redevelopment Plan were approved in December 6, 1994, by Ordinance No. 192.10 ("First Amendment"), on October 16, 2001, by Ordinance N9. 192.13 ("Second Amendment"), on October 3, 2006, by Ordinance No. 192.17 ("Third Amendment") and on November 29, 2006, by Ordinance No. 192.19 ("Fourth Amendment"). The Great Mall Redevelopment Project Area is set to expire on November 2, 2010. A further extension of time is necessary to ensure that the work of the redevelopment is completed and the goals and objectives of the plan are fully achieved. Those goals and objectives are set forth-in Section 100 of the Plan and are briefly summarized below:

- The elimination of blighting influences and the correction of environmental deficiencies;
- The re-planning, redesign, rehabilitation and redevelopment of areas that are stagnant or improperly utilized.
- Strengthening retail and other commercial function in the Project Area; and
- Establishing and implementing performance criteria to assure high site design standards and environmental quality and other design elements, which provide unity and integrity to the entire project.

The Plan does not contain tax increment financing authority and thus will not adversely affect the property tax revenues of any affected taxing entities. The Plan also does not contain eminent domain authority.

PROJECT SETTING

Regional Location

The Great Mall Project Area is located in the central southern portions of the City of Milpitas, which is located at the northern edge of Santa Clara County. Regional freeway and highway access to the Great Mall Redevelopment Project Area is provided by Interstate 880 (I-880), Interstate 680 (I-680), and State Route 237-Calaveras Boulevard (SR 237).

Local Setting

Figure 2.1-2 shows the boundaries of the Great Mall Redevelopment Project Area. The Great Mall Project area encompasses the Great Mall Regional Shopping Center, multi-family residential developments, as well as professional office centers. The Great Mall Project Area consists of approximately 150 acres and is within the Transit Specific Plan Area. The Great Mall Project Area is located in an urbanized area and is surrounded by an existing mix of residential, commercial, and industrial uses.

SECTION 4 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. Measures that are standard and required by the City or law are categorized as "Standard Measures." Measures that are required to reduce significant impacts to a less than significant level are categorized as "Mitigation Measures."

4.1 AESTHETICS

Setting

As shown on the aerial photograph, the project site is located within an existing urbanized area that is developed with residential developments, institutional, commercial and industrial uses. Based on the Milpitas General Plan, the project site is located within the city's "Valley Floor" subarea, which is generally flat with an urban landscape. The hillside area located on the western edge of the city is designated as scenic resource. The Milpitas hillside consists of the Los Buellis Hills portion of the Diablo Valley Range and provides a scenic, generally undeveloped mountainous backdrop to the valley floor.

The project site is not located near a scenic highway or scenic vista.

Environmental Checklist and Discussion of Impacts

AESTHETICS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,14
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,14
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,14
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,14

The proposed time extension for the Great Mall Redevelopment Plans that will not create any additional scenic or visual impacts beyond what was previous analyzed in the SEIR for the merged redevelopment areas.

Conclusion

The proposed project would not result in significant, adverse visual or aesthetic impacts.
[No Impact]

4.2 AGRICULTURAL RESOURCES

Setting

According to the Santa Clara County Important Farmland 2006 Map, the project site is designated *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. Currently, the project site is not used for agricultural purposes.

Environmental Checklist and Discussion of Impacts

AGRICULTURAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,5
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,5
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,5

The project site is not currently used for agricultural purposes and is not designated as farmland of any type.

Conclusion

The proposed project would not result in impacts to agricultural resources. **[No Impact]**

4.3 AIR QUALITY

Setting

Local and Regional Air Quality

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

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

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

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics.

Environmental Checklist and Discussion of Impacts

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,14
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,14
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

The project is a time extension of the Great Mall Redevelopment Plan and does not propose any changes that would generate any new effects on air quality.

Conclusion

The project would extend the duration of the Great Mall Redevelopment Plan until November 2040 to allow completion of the redevelopment work. Subsequent redevelopment projects will require further environmental analysis pursuant to CEQA. **[No Impact]**

4.4 BIOLOGICAL RESOURCES

Existing Habitat

The project is located within an existing developed urban area consisting of existing high-density residential developments, a regional shopping center, various commercial and industrial buildings, and a VTA bus transfer and Light transit station. Surrounding land uses includes heavy industrial and high density residential zoning to the west, high density residential and mixed use zoning to the south, high density residential and commercial zoning to the west, and very high density residential and mixed use zoning to the north.

Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,5,14

BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14

The project is an amendment to the Great Mall Redevelopment Plan that would extend the duration of the Plan to November 2040. The proposed amendment would not result in a substantial additional effect or cause a substantial diminishment of any plant or animal habitat or wildlife species beyond what was previously analyzed in previous environmental documents.

4.4.2 Conclusion

The proposed project would not result in biological impacts or violate any adopted habitat conservation plan. **[No Impact]**

4.5 CULTURAL RESOURCES

Setting

Prehistoric Context

The Milpitas area was likely settled by Native Americans between 12,000 and 6,000 years ago. Penutian-speaking peoples migrated into central California around 4,500 years ago and were firmly settled around San Francisco Bay by 1,500 years ago. The descendants of the native groups who lived between the Carquinez Strait and the Monterey area prefer to be called Ohlone, although they are often referred to by the name of their linguistic group, Costanoan.

Milpitas is within the ethnographic territory of the Alson tribe of Ohlone, who occupied the area near the mouth of the Coyote Creek. One factor which likely increased traffic through the Milpitas area was the presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory, which increased traffic through the early Milpitas area. The cinnabar (used as body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it.

Trade for other items—such as wooden bows, salt, and pine nuts—also brought many visitors to the Tamyen territories. Wooden bows and salt from the bay were traded to the Plains Miwok. The words “salt” and “bow” were also taken from the Costanoan. Two notable Costanoan village sites lay within the city limits of Milpitas. One, a huge shell mound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of

archaeological sites in California with such a long history of continuous occupation. Neither of these sites is within the Transit Area Specific Plan boundary.

Historic Context

During the Spanish expeditions of the late 1700s, several missions were founded in the San Francisco Bay Area. After the Mexican government took over the vast missions lands and distributed them among the Californios (Mexican pioneers living in California), the brief but lively "rancho" period began. The land in modern-day Milpitas was divided between the 6,352.9-acre Rancho Rincon de los Esteros, the 4,457.66-acre Rancho Milpitas and the 4,394-acre Rancho Tularcitos.

In the 1850s, large numbers of Americans from the East, Canadians, Irish, Chileans, British, Germans and more arrived to farm the fertile lands of Milpitas. They brought with them their own agricultural traditions, adopting them to the local soils and climate. They continued to raise cattle and horses, but they also conducted dairy operations and planted new crops, such as potatoes. In 1850, they introduced a new means of irrigation, artesian wells, which made possible the cultivation of new vegetable crops and berries. The early settlers farmed the land and set up many businesses on a section of what was then called Mission Road, which by the late 20th century became known as the "Midtown" district. The Midtown area, the oldest part of Milpitas, has few remaining historic residences and was the only commercial district that existed before 1945. Midtown is situated along Main and Abel Streets and is bordered by Montague Expressway in the south and Weller Street in the north.

Milpitas was named after Alviso's rancho by Joseph Weller when the first U.S. Post Office was opened on Main Street. However many locals had taken to calling the collection of buildings at the crossroads along Penitencia Creek "Penitencia," after the small Catholic building next to the creek that was used by the Spanish Padres to hear confession by the nearby natives. The word Milpitas is from the word "Milpa" which is derived from a Mexican Indian word for "place where maize grows."

In the early 1900s, Milpitas served as a popular rest stop for travelers on the old Oakland-San Jose Highway. At the intersection of that road with the Milpitas-Alviso Road, Smith's Corners, patrons for a century before becoming a restaurant in 2001; it still stands. In the 1920s, one of America's earliest "fast food" chain restaurants, "The Fat Boy," opened nearby but was demolished in 1985.

When the Ford Motor Assembly Plant came to the southern edge of town, San José indicated interest in making it part of that city. The local inhabitants objected. The City of Milpitas was the result of a defensive incorporation on January 26, 1954. Later, in 1960, San José attempted to incorporate the city again, but was met with a very lopsided defeat in the election.

The Minute Man was added to the city's seal and flag following this campaign. Ironically, Ford Corporation called the facility the San Jose Ford Motor Assembly Plant. The automobile-manufacturing era in Milpitas lasted little more than a quarter century. After the plant closed it remained largely unused for nearly fifteen years. Today, it is the Great Mall of the Bay Area.

Environmental Checklist and Discussion of Impacts

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

The project involves a time extension of the Great Mall redevelopment plan and will not result in any additional or substantial adverse changes to archeological resources beyond what was previously addressed in prior environmental documents.

Conclusion

The proposed project would not result in significant impacts to cultural resources. Any subsequent redevelopment involving grading will require further environmental analysis and compliance with CEQA. **[No Impact]**

4.6 GEOLOGY AND SOILS

Setting

Geologic Conditions

The Planning Area is located approximately eight miles from the shoreline of San Francisco Bay. The project area is located within the Valley Floor subarea. Based on the Milpitas General Plan, the valley floor is relatively flat and is underlain by alluvial soil of Quaternary age. This soil consists of interlayered, poorly sorted gravel, sand, silt, and clay deposited by water. The thickness of the alluvial soil increases westward from zero at the base of the hills to 1,000 feet or more at the western edge of the City. The alluvial soil in Milpitas was deposited in and adjacent to stream channels, in low-lying basins between streams, and on the floor of the Bay when the shoreline was east of its present position. The composition

and consistency of alluvial soils varies laterally and vertically over small distances and depths. Most of the alluvial soil in Milpitas is expansive and susceptible to liquefaction, and alluvial areas along creeks may be susceptible to lateral spreading. Local areas have compressible soils, poorly drained soils, shallow ground water, or are susceptible to lateral spreading. Because soil composition varies vertically as well as laterally, several soil types may underlie a particular site.

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

Several active faults have the potential to cause widespread damage to the City of Milpitas. The California State Mining and Geology Board classifies active faults as faults that have had surface displacement within Holocene time (within the last 11,000 years). The primary active faults in the region are the Hayward and San Andreas faults. The Hayward Fault trends northwest approximately 2 miles east of the planning area; the San Andreas Fault trends northwest through the Santa Cruz Mountains approximately 13 miles to the west. The Hayward Fault was identified by the USGS Working Group on California Earthquake Probabilities as the most likely (27 percent chance) to experience a 6.7 or higher magnitude earthquake by 2032. Also of particular importance to the City of Milpitas is the Calaveras Fault, which trends northwest through Calaveras Reservoir approximately 4 miles east of the project site.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within a State of California Seismic Hazard Zone for liquefaction.¹

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. The site is directly adjacent to the Penetencia Creek channel.

Environmental Checklist and Discussion of Impacts

¹ <http://www.abag.ca.gov/bayarea/eqmaps/liqufac/liqufac.html> April 23, 2008

GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,10
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,9,10
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9,10
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,9,10
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,9,10
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,9,10
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,9,10

The project area is located in a mapped liquefaction hazard zone, and soils on the site have a moderate potential for expansion. The project site is not located within a fault rupture zone or landslide hazard zone. The project area is located in a seismically active region and could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. Since the project entails a time extension of the Great Mall Redevelopment Plan, the project will not generate any new or additional geological impacts beyond what was analyzed in previous environmental documents.

Conclusion

The proposed project would not result in any additional geological, geotechnical, or seismicity impacts that cannot be avoided through standard engineering and construction techniques. **[No Impact]**

4.7 HAZARDS AND HAZARDOUS MATERIALS

Setting

Background Information

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples of hazardous materials include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above certain thresholds can result in adverse health effects on humans, as well as harm to plants and wildlife.

Site Conditions

The project area is currently developed with existing buildings with various uses that include commercial, industrial as well as residential. Surrounding land uses include residential with varying densities, mixed commercial uses, and industrial operations.

Potential On-Site Sources of Contamination

The project consists of areas that are developed with industrial uses. As such, the project area may have the potential for exposure to sources of contamination. However since the project involves a time extension of the Great Mall Redevelopment Plan, the project will not generate any effects related to hazardous and chemical impacts.

Other Hazards

The project site is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on a City designated evacuation route. The site is not located in a fire threatened community.²

Environmental Checklist and Discussion of Impacts

² Association of Bay Area Governments. (ABAG). Wildfire Hazard Maps and Information. November 2004. 8 May 2008. <http://www.abag.ca.gov/bayarea/eqmaps/wildfire/>.

HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11,14
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Conclusion

The proposed project is a time extension for the Great Mall Redevelopment Plan only. The project does not involve the use, storage, or transport of hazardous materials nor is the project area located within any airport-related "restricted zoned", private airstrip, or physically interferes with any existing emergency response plans. Therefore, the project does not anticipate any additional substantial hazardous materials impacts. **[No Impact]**

4.8 HYDROLOGY AND WATER QUALITY

Setting

Hydrology and Flooding

Drainage in Milpitas is general westward. There are six intermittent streams that flow out of the foothills and across the flatlands. According to the General Plan Figure 5-3, portions of the project area are within the 500-year and 100-year flood zones. Areas east of the Southern Pacific Railroad lie within the 100-year flood. All land west of I-680 is part of the 500-year flood zone.

Storm Drainage

The City of Milpitas owns and maintains the municipal storm drainage system in the vicinity of the project.

Flood Control

Flood control is provided by a variety of federal, state, and local agencies.

Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14

HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

The proposed project would not result in any additional substantial adverse flooding or drainage impacts beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area. The proposed time extension will not violate any water quality standards, affect groundwater supplies or interfere with groundwater recharge, alter existing drainage patterns, contribute runoff water that would exceed capacity of existing or stormwater systems, or increase the amount surface runoff. The project will not result in a substantial change in local housing development patterns or cause significant effects on flood flows from those previous anticipated in previous environmental documents. The project is not located in an area that is susceptible to inundation by seiche, tsunami, or mudflow.

Conclusion

The project will not result in any Hydrology or water quality impacts beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area. Redevelopment projects resulting in construction will be further analyzed pursuant to CEQA. **[No Impact]**

4.9 LAND USE

Setting

The Great Mall Redevelopment Project Area consist of approximately 150 acres and is located in a highly urbanized area that consists of existing buildings, public infrastructure, and site improvements such as but not limited to landscaping, hardscape, buildings, structures and utilities.

Existing Land Use Classifications

General Plan Land Use Designation

General Commercial (GNC)
Multi-family Residential, High Density (MFH)

Zoning Designation

General Commercial with Site and Architectural Overlay (C2-S)
General Commercial with Office Overlay and Site and Architectural Overlay (C2-OO-S)
Multi-family Residential, High Density with Site and Architectural Overlay (R3-S)

Specific Plan Designation

General Commercial, General Commercial with Office Overlay, and Multi-Family Residential High Density

Surrounding Land Uses

The project is located within an existing developed urban area consisting of existing high-density residential developments, a regional shopping center, various commercial and industrial buildings, and a VTA bus transfer and Light transit station. Surrounding land uses includes heavy industrial and high density residential zoning to the west, high density residential and mixed use zoning to the south, high density residential and commercial zoning to the west, and very high density residential and mixed use zoning to the north.

Environmental Checklist and Discussion of Impacts

LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14

The project does not propose any land use or zoning changes. Land use impact related to the Great Mall Redevelopment Project Area were addressed in previous environmental documents and was determined not to have any impacts that would cause a physically

divided community, conflicts with any land use plan, policy, regulation or any habitat conservation and/or natural community conservation plan.

Conclusion

The proposed project would not result in significant, adverse land use impacts. **[No Impact]**

4.10 MINERAL RESOURCES

Setting

The site is in an urban, built up area and has been developed with residential, commercial, and industrial buildings.

Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The project would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the general area. The proposed project, therefore, would not result in impacts to mineral resources.

Conclusion

The project would not result in impacts to known mineral resources. **[No Impact]**

4.11 NOISE

Setting

Noise Background

Noise is defined as unwanted sound. Noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of vibrations, higher pitch signals sound louder to people.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level, L_{dn} , is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition to noise levels from 10:00 PM to 7:00 AM to account for human sensitivity to night noise.

Applicable Noise Standard

The Environmental Quality Element of the City of Milpitas’s General Plan identifies noise and land use compatibility standards for various land uses (General Plan Figure 5-G). Chapter 9.10 “Regulation of Noise and Vibration,” of the City of Milpitas Municipal Code identifies allowable hours for construction to limit impacts to sensitive uses.

Environmental Checklist and Discussion of Impacts

NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

NOISE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The project does not anticipate any additional substantial noise impacts beyond what was addressed in the previous environmental documents for the Great Mall Redevelopment Project Area. The project area is not located within an airport land use plan, two miles of a public airport, public use airport, or within the vicinity of a private airstrip.

Conclusion

The proposed time extension for the Great Mall Redevelopment Plan would not result in significant impacts beyond what was analyzed in previous environmental documents.
[No Impact]

4.12 POPULATION AND HOUSING

Setting

Build-out under the 2008 land use designations of the General Plan would result in an additional population of approximately 17,900 in the City, or a total population of about 108,400 in the Planning Area.

Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

The project is not anticipated to generate any additional substantial urban growth impacts beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area. The project entails a time extension for the Great Mall Redevelopment Plan and will not induce new growth, displace existing homes, or necessitate new housing elsewhere.

Conclusion

The proposed project would not result in significant population or housing impacts. **[Less Than Significant Impact]**

4.13 PUBLIC SERVICES

Setting

Fire: Fire protection is provided by the City of Milpitas Fire Department, which provides structural fire suppression, rescue, hazardous materials control and public education services. There are four Fire stations located within the city at the various locations below:

Fire Station # 1: 777 South Main St.

Fire Station # 2: 1263 Yosemite Dr.

Fire Station # 3: 45 Midwick Dr.

Fire Station # 4: 775 Barber Ln.

Police Protection: The City of Milpitas Police Department provides police protection.

Schools: Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would serve the project include Milpitas High School (grades 9-12), two middle schools (grades 7-8) and nine elementary schools (grades K-6).

Maintenance: The City of Milpitas Public Works Department provides public works maintenance of public utilities for water, sewer, and stormwater.

Parks: The City of Milpitas has 161 acres of city owned parks and recreational facilities.

Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,14

The project would not be expected to induce substantial additional urban growth that will affect existing public services beyond levels already anticipated and addressed in previous environmental documents for the Great Mall Redevelopment Project Area.

Conclusion

The project would not result in significant impacts to public facilities. **[No Impact]**

4.14 RECREATION

Setting

The project area includes a number of existing parks, linear parks, and designated trails that transverse through the project area.

Environmental Checklist and Discussion of Impacts

RECREATION					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The project will not increase result in any new or additional significant impacts on existing parks and recreational facilities beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area.

Conclusion

The proposed project would not result in significant impacts to parks and recreational facilities. **[No Impact]**

4.15 TRANSPORTATION

Setting

The project is bisected by I-880 and I-680 that runs north – south. Major roadways that run east – west include Jacklin Road, SR 237 - Calaveras Boulevard, and Montague Expressway.

Existing Roadway Network

Regional and Local Roadway Access

Regional access is provided to the project via Interstates 880 and 680, Montague Expressway, and State Route 237.

Existing Transit Service

Valley Transportation Authority (VTA) provides bus and light rail service for the Milpitas Planning Area and throughout Santa Clara County. AC Transit provides service to Fremont and Alameda County.

Existing Pedestrian and Bicycle Facilities

The project area includes existing sidewalks, bicycles ways, and trails systems that within the project area.

Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

The proposed time extension for the Great Mall Redevelopment Plan is not expected to result in a substantial increase in vehicle trip generation, roadway volume to capacity ratios, or intersection congestion (level of service impacts) beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area.

Conclusion

The proposed project would not result in significant transportation impacts. Any subsequent redevelopment projects involving new trip generation or change in the transportation or circulation network will be further analyzed pursuant to CEQA. **[No Impact]**

4.16 UTILITIES AND SERVICE SYSTEMS

Setting

Water Service

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

Recycled water is also currently available in Milpitas through the South Bay Water Recycling Program (SBWRP).

Wastewater

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

Storm Drainage

The City of Milpitas owns and maintains a system of underground pipes and a network of street gutters that convey flows from urban runoff to the San Francisco Bay. Most major drainage facilities within the city, such as creeks and channels, are owned and maintained by SCVWD.

Solid Waste

The City of Milpitas disposes of all solid waste at the Permitted Class III, Subtitle D facility, the Newby Island Sanitary Landfill (NISL), administered by Allied Waste. The Newby Island facility accepts solid waste, recyclables, and compostable materials. The NISL does not accept hazardous waste. The facility is 342 acres, of which waste has been placed on approximately 270 acres, and has over 30 feet of 120 feet total depth available. The City's contract with the NISL runs through 2017.

Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					

UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

The proposed time extension of the Great Mall Redevelopment Plan will not result and a substantial increase demand on utility services for water, sewer, solid waste and stormwater beyond what was analyzed in previous environmental documents for the Great Mall Redevelopment Project Area.

Conclusion

It is anticipated that the proposed project would not exceed the capacity of existing utilities and service systems. **[No Impact]**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-14
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-14
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-14
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-14

Discussion: The proposed time extension for the Great Mall Redevelopment Plan is allows for the completion of the redevelopment work and to fully achieve the goals and objectives of the Redevelopment Plan. The redevelopment activities and environmental impacts were addressed in previous CEQA documents listed below

- Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No.. 92063043, 1993.
- Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996
- Final Program EIR for the Eight Amendment to the Redevelopment Plan for Milpitas Redevelopment Area No. 1, State Clearinghouse No. 2002112043, 2003
- Supplemental EIR for Proposed Merger of Milpitas Redevelopment Area No. 1 and Great Mall Redevelopment Project Area, State Clearinghouse No. 2006082087

The proposed time extension is not anticipated to result in substantial increase or create new environmental effects beyond what was analyzed in the previous CEQA documents listed above. Any subsequent redevelopment projects will require further environmental analysis pursuant to CEQA. These projects may include, but are not limited to new housing, commercial, or infrastructure projects.

Conclusion

It is anticipated that the proposed extension of time will not result any additional substantial environmental impacts and cumulative environmental impacts beyond what was addressed in previous CEQA documents. It is further understood that the analysis for this project does not exempt or supersede further environmental analysis for subsequent projects. **[No Impact]**

Global Climate Change Impacts (Cumulative Impacts and Long-Term Environmental Goals)

Global climate change is the alteration of the Earth's weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic-generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth's atmosphere, but prevent radiative heat from escaping into outer space, which is known as the "greenhouse" effect. The world's leading climate scientists have reached consensus that global climate change is underway and is very likely caused by humans.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California, a multi-agency "Climate Action Team" has identified a range of strategies and the Air Resources Board, under Assembly Bill (AB) 32, has been designated to adopt the main plan for reducing California's GHG emissions by January 1, 2009, and various regulations and other initiatives for reducing GHG emissions by January 1, 2011. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

While the state of California has established programs to reduce greenhouse gas emissions, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases. Given the global scope of global climate change, the challenge under CEQA is for a Lead Agency to translate the issue down to the level of a CEQA document for a specific project in a way that is meaningful to the decision making process. Under CEQA, the essential questions are whether a project creates or contributes to an environmental impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

Conclusion

The proposed time extension will allow the completion of the redevelopment work and is unlikely to result in additional substantial climate change impacts beyond what was addressed in previous CEQA documents. **[No Impact]**

Significance of Cumulative Global Climate Change Impacts

In an effort to disclose environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City's position that, based on the proposed project, its location within an established urban area served by existing infrastructure would not impede the state's ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32.

Conclusion: The proposed project would not make a cumulatively considerable contribution to global climate change.

[No Impact]

Checklist Sources

1. Great Mall Redevelopment Plan.
2. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
3. City of Milpitas *City of Milpitas General Plan, 2002*.
4. City of Milpitas Zoning Map 2008
4. City of Milpitas, *Municipal Code*.
5. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005.
6. Bay Area Air Quality Management District, CEQA Guidelines, December 1999.
7. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964.
8. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.
9. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.
10. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel No. 060344-0003-G*.
11. Final Program EIR for the Adoption of the Redevelopment Plan for the Great Mall Project, State Clearinghouse No. 92063043, 1993.
12. Final Program EIR for the Plan Amendment to Redevelopment Project Area No. 1, State Clearinghouse No. 9509357, 1996
13. Final Program EIR for the Eight Amendment to the Redevelopment Plan for Milpitas Redevelopment Area No. 1, State Clearinghouse No. 2002112043, 2003
14. Supplemental EIR for Proposed Merger of Milpitas Redevelopment Area No. 1 and Great Mall Redevelopment Project Area, State Clearinghouse No. 2006082087

SECTION 5 REFERENCES

Association of Bay Area Governments, *Dam Failure Inundation Hazard Map for Morgan Hill*, 1995. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>

Association of Bay Area Governments, *Projections 2007*, December 2006.

Bay Area Air Quality Management District, *CEQA Guidelines*, December 1999.

California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.

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Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel No. 060350 0001C*, July 16, 1980.

United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.

SECTION 6 AUTHORS AND CONSULTANTS

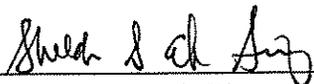
Authors: **City of Milpitas**
 Cindy Hom, Assistant Planner

**ADDENDUM TO INITIAL STUDY AND NEGATIVE
DECLARATION
FOR
GREAT MALL REDEVELOPMENT PLAN
Amendment No. 5**

This is an Addendum to the Initial Study and Negative Declaration dated February 3, 2009 to the Great Mall Redevelopment Plan Amendment No. 5.

This Addendum changes the duration of the extension from 30 years to 23 years. The original Initial Study and Negative Declaration indicated the Plan would be extended from November 2, 2010 to June 30, 2040. This Addendum changes that extended period to from November 2, 2010 to November 2, 2033, thus reducing the duration by 7 years. This change has the effect of reducing potential impacts and creates no potential for increased impacts.

As such, the Addendum is new information added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration, within the meaning of CEQA Guideline § 15073.5(c)(4).



Sheldon AhSing
Senior Planner

Dated 14 APR 09

REGULAR

NUMBER: 192.22

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING ORDINANCE NOS. 192.8, 192.10, 192.13, 192.17 AND 192.19 AND APPROVING AND ADOPTING THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GREAT MALL REDEVELOPMENT PROJECT

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City Council of the City of Milpitas (the “City Council”) has received from the Milpitas Redevelopment Agency (the “Agency”) the proposed Fifth Amendment (the “Fifth Amendment”) to the Redevelopment Plan (the “Redevelopment Plan”) for the Great Mall Redevelopment Project (the “Project”), a copy of which is on file at the office of the City Clerk at 455 East Calaveras Boulevard, Milpitas, California, together with the Report of the Agency to the City Council on the proposed Fifth Amendment (the “Agency’s Report”), including: (1) the reasons for amending the Redevelopment Plan; (2) the current Implementation Plan for the Project Area; and (3) the Negative Declaration on the proposed Fifth Amendment; and

WHEREAS, the proposed Fifth Amendment would extend the time limit for effectiveness of the Redevelopment Plan from November 2, 2010, to November 2, 2033; and

WHEREAS, the Agency prepared and circulated a Negative Declaration (the “Negative Declaration”) on the proposed Fifth Amendment in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*), and environmental procedures adopted by the Agency pursuant thereto; and

WHEREAS, the Agency and the City Council have reviewed and considered the Negative Declaration on the proposed Fifth Amendment and have determined that there is no substantial evidence that the proposed Fifth Amendment will have a significant effect on the environment; and

WHEREAS, the City Council and the Agency held a joint public hearing in the City Council Chambers, 455 East Calaveras Boulevard, Milpitas, California, on April 21, 2009, to consider the approval and adoption of the proposed Fifth Amendment; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Milpitas, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and the affidavit of publication is on file with the City Clerk; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area as shown on the last equalized assessment roll of the County of Santa Clara; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to all residential and business occupants within the Project Area; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, the City Council has considered the Agency’s Report, the proposed Fifth Amendment, and the Negative Declaration, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the proposed Fifth Amendment; and

WHEREAS, no written objections to the proposed Fifth Amendment were received, either before or at the noticed public hearing, from an affected taxing entity or property owner; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

Section 1. The purpose and intent of the City Council with respect to the Fifth Amendment is to promote the full and effective implementation of the Redevelopment Plan for the Project.

Section 2. The City Council hereby finds and determines that:

(a) It is necessary and desirable to amend the Redevelopment Plan in the manner set forth in the proposed Fifth Amendment in order to carry out the redevelopment of the Project Area and make possible the full achievement of the goals and objectives of the Redevelopment Plan. This finding is based upon the fact that, without additional time, the Agency's redevelopment efforts may be impaired because existing freeway signage would not be available to support the Project Area and the fact that the Agency needs a longer period of time to maintain development standards and controls to assure Project Area stabilization.

(b) The proposed Fifth Amendment will aid in the redevelopment of the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based upon the facts that continued implementation of the Redevelopment Plan will serve to continue to improve and stabilize physical and economic conditions in the Project Area and that additional time is necessary to achieve the full and effective implementation of the Redevelopment Plan.

(c) The proposed Fifth Amendment is economically sound and feasible. This finding is based upon the fact that the proposed Fifth Amendment is limited to extending the duration of the Redevelopment Plan and does not make any changes to the activities authorized by the Redevelopment Plan or the means of financing those activities. Under the Redevelopment Plan, the Agency is authorized to finance its activities with financial assistance from the City, State of California, federal government, donations, loans from private financial institutions or any other available source, public or private.

(d) The proposed Fifth Amendment is consistent with the General Plan of the City of Milpitas. This finding is based upon the fact that the Redevelopment Plan provides for land uses in the Project Area that are consistent with the City's General Plan and the fact that the proposed Fifth Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make any changes that affect the City's General Plan.

(e) The carrying out of the Redevelopment Plan, as it is proposed to be amended by the Fifth Amendment, would promote the public peace, health, safety, and welfare of the City of Milpitas and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the facts that redevelopment will benefit the Project Area by coordinating public and private actions to stimulate development and improve the physical and economic conditions of the Project Area, and that additional time is necessary to achieve the full and effective implementation of the Redevelopment Plan.

(f) The proposed Fifth Amendment will not result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area. This finding is based upon the fact that the proposed Fifth Amendment is limited to extending the time limit on the effectiveness of the Redevelopment Plan and does not make changes to any of the activities authorized by the Redevelopment Plan.

(g) The full and effective redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts that continued freeway signage is necessary to the economic

viability of the Project Area and that continued maintenance of development standards and controls is needed to assure Project Area stabilization, neither of which can occur without the existence of the Project Area and the actions of the Agency.

(h) The time limitation contained in the proposed Fifth Amendment is reasonably related to the ability of the Agency to complete redevelopment of the Project Area. This finding is based upon the fact that the extended duration provided by the Fifth Amendment is the maximum currently allowed by the Community Redevelopment Law and the fact that a shorter time limitation would impair the Agency's ability to provide freeway signage needed to promote and support the economic viability of the Project Area and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure Project Area stabilization.

Section 3. In order to implement and facilitate the effectuation of the proposed Fifth Amendment, certain official actions must be taken by the City Council; accordingly, the City Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, as amended by the Fifth Amendment; (b) directs the various officials, departments, boards, and agencies of the City of Milpitas having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, as amended by the Fifth Amendment; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Redevelopment Plan, as amended by the Fifth Amendment; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Redevelopment Plan, as amended by the Fifth Amendment.

Section 4. Having received no written objections to the Fifth Amendment from an affected taxing entity or property owner, and having considered all evidence and testimony presented for or against any aspect of the Fifth Amendment, the City Council hereby overrules all objections to the Fifth Amendment.

Section 5. The Redevelopment Plan, as adopted and amended by Ordinance Nos. 192.8, 192.10, 192.13, 192.17 and 192.19, is hereby further amended as set forth in the Fifth Amendment attached hereto as Attachment A. As so amended, the Redevelopment Plan is hereby incorporated herein by reference. The Executive Director of the Agency is hereby authorized to combine the Redevelopment Plan, as amended by the Fifth Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan for the Great Mall Redevelopment Project.

Section 6. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Redevelopment Plan, as amended by the Fifth Amendment.

Section 7. The City Clerk is hereby directed to record with the County Recorder of Santa Clara County a notice of the approval and adoption of the Fifth Amendment pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Redevelopment Plan, as amended by the Fifth Amendment, have been instituted under the Community Redevelopment Law.

Section 8. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Milpitas.

Section 9. If any part of this Ordinance or the Fifth Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Fifth Amendment, and this City Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Fifth Amendment if such invalid portion thereof had been deleted.

Section 10. This Ordinance shall be in full force and effect ninety (90) days after its adoption.

Attachment A

**FIFTH AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE
GREAT MALL REDEVELOPMENT PROJECT**

The Redevelopment Plan (the "Redevelopment Plan") for the Great Mall Redevelopment Project (the "Project"), as adopted by the City Council of the City of Milpitas on November 2, 1993, by Ordinance No. 192.8, and amended on December 6, 1994, by Ordinance No. 192.10 ("First Amendment"), on October 16, 2001, by Ordinance No. 192.13 ("Second Amendment"), on October 3, 2006, by Ordinance No. 192.17 ("Third Amendment") and on November 29, 2006, by Ordinance No. 192.19 ("Fourth Amendment"), is hereby further amended as set forth in the following paragraph 1:

1. Section 800 of the Redevelopment Plan is hereby amended in its entirety to read as follows (additions are shown in bold and by underlining; deletions are shown in bold and by strikethrough):

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for ~~seventeen (17)~~ **forty (40)** years from the date of adoption of this Plan by the City Council **on November 2, 1993, by Ordinance No. 192.8.**

After the time limit on the effectiveness of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts.

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