LIST OF ATTACHMENTS FOR PUBLIC HEARING ITEM NO. 2 – HOLD A PUBLIC HEARING AND ADOPT A RESOLUTION APPROVING THE SHEA RESIDENTIAL PROJECT LOCATED AT 1201 SOUTH MAIN STREET

A. City Council Resolution

B. CEQA Addendum and Matteson Initial Study

C. Project Plans

D. Project Narrative

E. Sun/Shadow Study

F. Executive Summary of the Traffic Study

G. Scott Littlehale Comment Letter

H. Density Bonus Agreement

I. 10-12-11 Planning Commission Report & Unapproved Meeting Minutes

J. Staff Memo dated 10/25/2011

PLEASE NOTE: DUE TO THE LARGE SIZE OF THE FILES LISTED BELOW, HARD COPIES ARE AVAILABLE AT THE CITY CLERK'S OFFICE

- **ITEM B – CEQA ADDENDUM AND MATTESON INITIAL STUDY**
- **ITEMS C – PROJECT PLANS**

A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD11-0011, MAJOR TENTATIVE MAP NO. MT11-0002, CONDITIONAL USE PERMIT NO. UP11-0032, AND DENSITY BONUS NO. DB11-0001 FOR THE ABEL AND MAIN STREET APARTMENTS PROJECT, TO ALLOW THE DEVELOPMENT OF 204 UNITS LOCATED AT 1201 SOUTH MAIN STREET

WHEREAS, on August 5, 2011, an application was submitted by Shea Properties and The Kingsmill Group, A request to allow 204 dwelling units in four stories wrapped around a parking garage and courtyard. The project includes a density bonus in exchange for providing affordable units. The proposal also includes a vacation of right-of-way. This proposal includes development plans and architectural review for the project. The property is located within the Very High Density Residential with Transit Oriented Development Overlay and Site and Architectural Overlay (R4-TOD-S) Zoning district (APN: 086-16-100); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the City Council determine that an addendum to the previously adopted Negative Declaration is appropriate and adopt the proposed Addendum; and

WHEREAS, on October 12, 2011, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties, and recommended approval of the project to the City Council; and

WHEREAS, on November 1, 2011, the City Council held a duly noticed public hearing on the project and considered evidence presented by City staff and other affected parties, including but not limited to the materials and evidence previously presented to the Planning Commission.

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

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

2. Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) has occurred. The City Council has independently reviewed and considered the proposed Addendum with Mitigated Negative Declaration No. EA06-0005 prior to taking action on the proposed 1201 South Main Street Project. The information and analysis contained in the Addendum reflect the City's independent judgment as to the environmental consequences of the proposed project. The proposed project modifications are only minor technical changes and do not result in any new significant environmental effects. Therefore, the refined project does not require an EIR and the Addendum adequately analyzes the project modifications as required under the CEQA Guidelines, Sections 15162 and 15164. The Addendum to Mitigated Negative Declaration No. EA06-0005 for the 1201 South Main Street Residential Project is therefore adopted.

3. Regarding the Site Development Permit:

    a. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the project follows the design guidelines identified in the Midtown Specific Plan. The project's architecture complements the surrounding development.

4. Regarding the Site Development Permit, Conditional Use Permit, and Major Tentative Map:

   a. The project is consistent with the Milpitas Subdivision Ordinance in that the project meets the standards for a Tentative Map.

   b. The project is consistent with the Milpitas Zoning Ordinance in that the project meets the development standards.

5. The project is consistent with the Milpitas General Plan in that the project is consistent with the following goals and policies:

   a. 2.a-G-2: Maintain a relatively compact urban form; and

   b. 2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and families; and

   c. 2.a-G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed use community that includes high density, transit-oriented housing and a central community; and

   d. 2.a-I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas; and

   e. 2.a-I-22: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.

6. The project is consistent with the Midtown Specific Plan in that the project is consistent with the following goals and policies:

   a. Goal 2: Provide for a significant component of new housing within the area in order to improve the vitality of the midtown area; address local and regional housing needs; and reinforce the use of transit.

   b. Policy 3.6: Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by-project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area.

   c. Policy 3.7: Integrate affordable units with market rate developments. Ensure that affordable units are architecturally integrated and indistinguishable from market rate units.

   d. Policy 5.1: Establish a development pattern along Main Street and around the transit stations that is oriented to pedestrians and consistent with the design standards and guidelines. More specifically, buildings should address streets, pedestrian paths, parks and open spaces, and transit stations with entries, windows, bays, balconies, and other articulated features. Parking lots should not dominate the experience along any prominent street or pedestrian route.

7 Regarding the Conditional Use Permit:

   a. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare in that those applicable standards for development will be followed.

8. With respect to the Density Bonus Permit:

   a. The proposed project is consistent with the City's Housing Element in that the project provides affordable housing pursuant to the goals and implementation policies of Section D of Chapter 7.7.

9. Therefore, Site Development Permit No. SD11-0001, Major Tentative Map No. MT11-0002, Conditional Use Permit No. UP11-0032, and Density Bonus No. DB11-0001 for the Shea Residential Project are approved, subject to the above findings and the Conditions of Approval attached hereto as Exhibit 1.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
Shea Residential Project (SD11-0001, MT11-0002, UP11-0032, and DB11-0001)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans, sample color and materials board approved by the Planning Commission on October 12, 2011, in accordance with these Conditions of Approval. (P)

2. Any deviation from the approved site plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

3. Site Development Permit SD11-0011 and Conditional Use Permit UP11-0032 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

    a. Completes a foundation associated with the project; or
    b. Dedicates any land or easement as required from the zoning action; or
    c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of 18 months if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein for the Conditional Use Permit and Site Development Permit. (P)

5. Major Tentative Map MT11-0002 shall be effective for two years, unless a time extension is requested and approved by the City Council upon recommendation from the Planning Commission. All other extensions shall be in accordance with State law. (P)

6. PJ ACCOUNT: If at the time of application for *certificate of occupancy*, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

7. LANDSCAPE: All required landscaping, as approved on the final landscape plan, shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)

8. LANDSCAPE: Prior to certificate of occupancy permit issuance, all required on-site landscaping shall be planted in place pursuant to the approved phasing plan as approved by the Planning Director or designee. (P)

9. Prior to issuance of the building permit, the exact allocations and credits for private and public recreation space will be determined. A detailed plan identifying amenities provided shall be included in a revised submittal. Prior to issuance of the building permit, the developer shall pay the Park In-Lieu Fee. (P)

10. The project applicant shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of Tentative Map MT11-0002, Site Development Permit SD11-0011, Conditional Use Permit UP11-0032, and Density Bonus No. DB11-0001. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit,

reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The applicant shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the project applicant of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the project applicant or if City fails to engage in reasonable efforts to cooperate in the defense, then the project applicant's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The project applicant shall not be required to pay or perform any settlement unless the settlement is approved by the project applicant. (CA)

11. These conditions of approval shall be included within the first four sheets of the construction drawings submitted for a building permit (P).

Site Development Permit:

12. Prior to the issuance of a Site Improvement or off-site improvement permit, the developer shall cooperate with staff with staff's preparation of a signage program along Main Street and the corner intersection of Main Street and Abel Street to announce the retail and transit district. (P)

13. All units shall comply with Zoning Ordinance Section 4.05(D)(1)(d) requiring minimum dimensions and area for balconies and patios when requesting credit for private recreation space. (P)

14. Prior to issuance of the building permit, the developer shall submit alternatives to the metal awning at the entry level to the tower element at the corner of Main Street and Abel Street. (P)

15. Prior to the issuance of the building permit, the developer shall revise the landscape plan to incorporate shrubs at the base of the retaining walls at the corner of Main Street and Abel Street. (P)

16. Prior to issuance of the building permit, the developer shall work with staff to refine the entry to the parking garage to the mutual satisfaction of the developer and the Planning Director. (P)

Environmental Mitigation Conditions:

17. The BAAQMD has prepared a list of feasible dust control measures that can reduce construction impacts to a less than significant level. The following measures will be implemented during all phases of construction on the project site:

    a. **MM AIR-1.1:** The project applicant shall water all active construction areas at least twice daily or as often as needed to control dust emissions.

    b. **MM AIR-1.2:** The project applicant shall cover all trucks hauling soil, sand, and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

    c. **MM AIR-1.3:** The project applicant shall sweep daily or as often as needed with water sweepers on all paved access roads, parking areas, and staging areas at construction sites to control dust.

    d. **MM AIR-1.4:** The project applicant shall sweep public streets daily or as often as needed to keep streets free of visible soil material.

    e. **MM AIR-1.5:** The project applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

f. **MM AIR-1.6:** The project applicant shall replant vegetation in disturbed areas as quickly as possible. **(MND Pg. 21)**

18. **MM BIO-1.1:** Pre-construction surveys for Burrowing Owls shall be completed in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is required. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented:

    a. If Burrowing Owls are present during the nonbreeding season (1 September to 31 January), a 150-foot buffer zone, within which no new activity will be permissible, shall be maintained around the occupied burrow(s). During the breeding season (1 February to 31 August), a 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on-site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

19. **MM BIO-1.2** If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans by, and receipt of formal written approval of the relocation from the CDFG. No Burrowing Owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring.

20. **MM BIO-1.4:** If destruction of occupied (breeding or non-breeding season) burrows, or any burrows that were found to be occupied during pre-construction surveys, is unavoidable, a strategy shall be developed to replace such burrows by enhancing existing burrows or creating artificial burrows on permanently protected lands adjacent to occupied burrowing owl habitat. This strategy will include permanent protection of a minimum of 6.5 acres of Burrowing Owl habitat per pair or unpaired resident owl. A plan shall be developed and approved by the County describing creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures. **(MND Pg. 25-26)**

21. **MM BIO-2.1:** In conformance with the City of Milpitas Zoning Ordinance, all trees removed from the site that measure 37-inches or greater in circumference (12-inches in diameter) at four feet six inches above the ground surface shall be replaced in-kind at a 3:1 ratio within the project site.

22. **MM BIO-2.2:** Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, shall be mitigated by fees paid to the City. The funds will be deposited in the City's Tree Replacement Fund and will be used to plant trees within the City of Milpitas. **(MND Pg. 26-27)**

23. **MM CUL-1.1:** During site clearing, initial grading, and excavation, a qualified archaeologist shall be on-site to monitor all ground disturbing activities to determine if any unknown resources are located on-site.

24. **MM CUL-1.2:** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-intern the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. (**MND Pg. 30)**

25. **MM GEO-1.1:** Buildings shall be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies specific design features that will be required for the project,

including: site preparation, compaction, trench excavations, exploration, and borings and test pits of the former creek area. The geotechnical investigation shall be reviewed and approved by the City's Director of Public Works prior to issuance of a building permit for the project. **(MND Pg. 34)**

26. **MM HYD-1.1: Level I – Source Control.** The source control program for the development will incorporate the following strategies:

    - *Education and Outreach.* The storm drain inlets on the project site shall be stenciled "No Dumping – Drains to Bay". In addition, the future homeowners association will provide an orientation to new homeowners on the projects Stormwater Control Plan, non-point source pollution control measures, and secure their written commitment to participate in the plan where applicable.

    - *Storm Drain Inlet Cleaning.* The homeowners association shall perform maintenance on privately owned storm drain inlets, which includes the collection and disposal of build-up materials inside the inlets.

    - *Trash Collection Areas.* There shall be a centralized common trash collection area for this site. The runoff from this area will drain into the sanitary sewer system.

    - *Fire Sprinkler Connections.* Fire sprinkler test water shall drain through the landscaping before entering the storm drain system.

27. **MM HYD-1.2: Level II – Treatment Control.** The treatment control program from the development will incorporate the following:

    - *Vegetated Swale.* A vegetated swale shall be located along the western boundary of the site. This swale will be approximately 120 feet long and planted with vegetation. It will be graded to promote infiltration and will treat stormwater runoff from the project site. An inlet will be at the low end of the swale to receive surface flows and convey it to the storm drainage system. The swale has been designed to accommodate peak runoff from a 10-year storm event; no bypass system is required.

    - *Treatment Control Device.* In areas where stormwater will not pass through some sort of surface treatment (i.e., swales) prior to entering the storm drainage system, hydrodynamic devices shall be installed to provide in-line treatment prior to discharge into the City storm drain system. In addition to providing filtration for runoff, these devices will meter stormwater runoff so that it enters the storm drainage system at a consistent rate, regardless of the flow rate into the devices. The treatment control devices have been designed to accommodate peak runoff from a 10-year storm event. These devices will be maintained by the homeowners association.

28. **MM HYD-1.3: Monitoring and Maintenance.** The stormwater treatment systems listed above will need adequate routine maintenance to function as designed. The homeowners association shall be responsible for the implementation and/or oversight of the monitoring and maintenance program for this project. To ensure proper function, drain inlets and treatment control devices will need to be cleaned a minimum of once a year and inspected a minimum of two times per year. **(MND Pgs. 41-42)**

29. **MM HYD-2.1:** All unpaved driveways shall be filled with rock to knock mud from truck tires prior to entering City streets. A wash tire system may be employed.

30. **MM HYD-2.2:** Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

31. **MM HYD-2.3:** Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

32. **MM HYD-2.4:** All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

33. **MM HYD-2.5:** Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

34. **MM HYD-2.6:** All trucks hauling soil, sand, and other loose materials shall be covered and/or all trucks would be required to maintain at least two feet of freeboard.

35. **MM HYD-2.7:** All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

36. **MM HYD-2.8:** Vegetation in disturbed areas shall be replanted as quickly as possible.

37. **MM HYD-2.9:** The Stormwater Permit will be administered by the Regional Water Quality Control Board. Prior to grading of the project site, the applicant shall file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

    - Preclude non-stormwater discharges to the stormwater system.
    - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
    - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
    - Perform monitoring of discharges to the stormwater system.

38. **MM HYD-2.10:** The project shall submit a copy of the draft SWPPP to the City of Milpitas for review and approval by the Director of Public Works prior to construction of the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

39. **MM HYD-2.11:** When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the Regional Water Quality Control Board and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site. **(MND Pgs. 43-44)**

40. **MM NOI-1.1:** Project-specific acoustical analyses are required to insure that interior noise levels will be reduced to 45 dBA L_{dn} or lower. Building sound insulation requirements shall need to include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to South Main Street and South Abel Street. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower. **(MND pg. 55)**

41. **MM NOI-2.1:** Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends.

42. **MM NOI-2.2:** The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.

43. **MM NOI-2.3:** The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.

44. **MM NOI-2.4:** The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem. **(MND Pg. 56)**

45. **MM HZ MAT:** Prior to development, conduct a Phase I Environmental Site Assessment (ESA) for soil disturbance within 100 feet of any reported hazardous materials site. If the site reconnaissance and investigation findings of the Phase I ESA show a significant likelihood of contamination, conduct a Phase II and/or III assessment as appropriate, including soil and/or water sampling and remediation in accordance with State and federal regulations. **(DEIR Pg. 3.3-6)**

46. **MM BIO:** If construction or removal of any tree 20 or more feet high is proposed during nesting season, Planning staff shall conduct a site visit to determine if any nest structure is visible in the trees removed. If a nest is observed, a qualified ornithologist will conduct a focused survey to determine if the nest is active. If nesting raptors are found, no construction or tree removal will occur within 500 feet of the active nest (or other distance as determined by the state DFG) until the young have fledged. Nest trees may only be removed during the non-breeding season **(DEIR Pg. 3.7-7)**

47. **MM CUL:** Project developers will implement CEQA Guidelines § 15064.5 provisions for accidentally discovered historical or archeological resources. These provisions will be specified in all building and grading permits. The provisions require immediate evaluation of a find, and funding and a mitigation schedule for implementing avoidance or other appropriate measures as determined by a qualified archeologist. **(DEIR Pgs. 3.8-9 and 10.)**

Engineering:

48. Proposed development is located within the Special Flood Hazard Zone AO (depth 1), and therefore shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code Federal Regulations and City's Flood Plain Management Regulations, City of Milpitas Code Title XI Chapter 15. Prior to final map approval or building permit issuance, whichever is earlier, the developer shall obtain a Conditional Letter of Map Revision (CLOMR) from Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain. The developer shall also obtain a Letter of Map Revision (LOMR) prior to issuance of a certificate occupancy, and provide all elevation certificates prior to final building inspection or certificate of occupancy for any portion of the development. The proposed grading plan shown in the tentative map shall comply with the established BFE as determined in the final flood study report.

49. Prior to final map approval or building permit issuance, whichever is earlier, owner or designee shall submit the project Flood Study, demonstrating to the satisfaction of the City Engineer that the proposed development complies with requirements for flood plain safety within the Special Flood Hazard Area and flood carrying capacity of the area pursuant to the City of Milpitas Code Title XI Chapter 15 and National Flood Insurance Program Title 44 of the Code Federal Regulations. The scope of the Flood Study shall be subject to the approval of the City Engineer.

50. Prior to final map approval or building permit issuance, whichever is sooner, the developer shall submit a final grading plan and hydrologic/hydraulic study prepared by a registered Civil Engineer, consistent with the approved CLOMR. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study.

51. The developer shall comply with Municipal Regional Permit (MRP) Order R2-2009-0074 for post construction C3 provisions for new development and redevelopment regulated projects storm water treatment requirements, and National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009—0009 NPDES No. CAS000002 or as required by the Regional Board at the time Developer submits the NOI for the project for pre construction storm water treatment requirements.

52. Prior to final map approval, or building permit submittal, developer shall submit a Storm Water Control plan that incorporates best management practices (BMPs) for treatments of stormwater run off from all parcels. The Storm Water Control plan shall incorporate source control, site design and stormwater treatment requirements consistent with MRP requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current California Stormwater Quality Association (CASQA) BMP handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the City Engineer:

    a. Developer shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.

    b. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.

    c. Prior to issuance of Certificate of Occupancy, the developer shall submit a Storm water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.

    d. Developer shall include in the approved CC&R language, should CC&Rs be applicable, in regard to providing the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements. If the City does receive the report, City will conduct the field inspection and report, and the developer and its successor shall be responsible to pay all associated costs.

    e. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.

    f. Developer shall comply with all "Model Conditions of Approval For Stormwater Quality" as shown in the Stormwater Section of the Engineering Plans and Map Procedures and Guidelines, dated July 15, 2010 and are hereby incorporated as conditions of project approval.

    g. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the developer's final Storm Water Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants. Any changes to the final Storm Water Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.

53. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES)

permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the developer, and accepted by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.

54. The issuance of building permits to implement this land use development will be suspended in a catastrophic event and necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval.

55. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer, for the water, sewer and storm drain studies of this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer.

56. Prior to building final inspection or building permit occupancy of any units, owner or designee shall construct new trash enclosures to serve the project. The enclosures shall accommodate the required number of bins, and adequate self contained compactors at minimum to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City’s review/approval prior to construction of the enclosure.

57. Prior to final map approval or building permit issuance unless otherwise noted the Owner or designee shall comply with the following solid waste requirements as a condition of project approval:

    a. Applicant is proposing front load service. Owner or designee shall provide sufficient facilities for on-site storage and collection of solid waste and recyclables in accordance with City guidelines. Applicant shall procure sufficient service frequency to accommodate the service request.

    b. Provide a Solid Waste Handling Plan showing how materials will be transferred from each dwelling unit to the trash enclosure, address property management responsibility for residential container deployment and collection, and litter management. The plan shall demonstrate that the site plan provides sufficient space for the solid waste vehicle to perform collection and make any site plan modifications to address this issue. The plan shall demonstrate how recycling shall have a separately maintained process from garbage handling. This plan shall be submitted to the City for review and approval prior to building permit submittal. Owner or designee shall add this language to the deed restriction and CC&Rs and HOA shall be responsible to implement this plan, in the event the project is converted to condominiums for sale units.

    c. The Solid Waste Handling Plan shall show how the bins will be set for pick up to be able to provide front load service.

    d. Solid waste enclosure shall be designed to parking garage standards and meet all building & fire codes requirements and to the satisfaction of the City Engineer. The opening shall be designed to accommodate new solid waste for truck turn around and height requirements.

    e. Prior to building final inspection or building permit occupancy of any units, applicant/property owner shall construct a new trash enclosure to serve the project. The enclosure shall accommodate the required two self contained compactors at minimum to serve this development. The proposed enclosure shall be

designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. The enclosure will be subject to the City's review/approval prior to construction of the enclosure. The enclosure shall be designed such that the drains must discharge to the sanitary sewer line. All storm drain inlets must be located at least 25 feet away from enclosures to prevent accidental spills from entering storm drains. Enclosures are not permitted within public utility easements.

f. Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered.

g. Prior to occupancy permit issuance, the property management shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Allied Waste Services (formerly BFI). After the applicant has full occupancy, the developer shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the developer shall increase the service to the level determined by the evaluation. For general information, contact Allied Waste Services at (408) 432-1234.

58. Owner/Designee agrees and shall make any changes to the site and architectural plan as condition of project approval for the following items and shall be subject to the satisfaction of the City Engineer and Planning Director and developer shall comply with these conditions prior to final map approval and prior to building permit submittal:

    a. Developer shall modify proposed Site and Architectural plan as deemed necessary to accommodate for any modifications needed to satisfy requirements for implementing any design changes recommended in the flood study requirements, storm water control plan, geotechnical engineer requirements, fire access, utility design, solid waste handling plan, or as deemed necessary by the City Engineer to meet all City Standards.

59. Prior to any building permit issuance developer shall submit an executed petition to annex the subject property into the CFD 2005-1, with respect to the property, the special taxes levied by Community Facility District (CFD 2005-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The developer shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

60. The final map shall be recorded prior to issuance of any building permit. Provide a current title report with your final map submittal, not more than 90 days old.

61. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements.

62. In the event the project is converted to condominiums for sale, the developer shall establish necessary homeowner association (HOA). Membership of the HOA shall include all owners of the residential, commercial and office spaces. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage the onsite water and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. In addition to the CC&R document, developer shall record a deed restriction or other recordable document subject to the approval of the City Engineer, at its sole discretion, concurrent with the recordation of the final map that memorializes ownership, repair, replacement and access rights to private utilities within the project site.

63. Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3.

64. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along S. Main and Abel Streets, including but not limited to the following:

    a. Removal and installation of new curb, gutter and sidewalk, pavement restoration at minimum AC overlay of the entire Main and Abel streets frontage widths, signage and striping, bus stops and bus pads, traffic signal modification and upgrades, median installation along Main and Abel Street, median and street decorative lighting, median landscaping, Main/Abel corner plaza improvements, street lights, Street trees and tree wells, street furniture installation, fire hydrants, storm drain, sewer and water services.

    b. The existing sanitary sewer collection system to serve the project is at full capacity. This project will not receive any Certificate of Occupancy until Projects 11A, and 11D as identified in the 2009 Sewer Master Plan have been completed. All projects being served by this collection system have all the same conditions or approvals and comments. The costs for these improvements are estimated at approximately $2.5 Million. Some of which will be paid as Impact Fees and some by City's sewer fund. The City and Developer will work cooperatively to develop a plan in how these improvements will be completed:

        i. Sewer project known as 11A, as specified in the City of Milpitas Sewer Master Plan, in its entirety includes replacement of 560 linear feet of 18 inch pipe with 21 inch pipe; replace 992 linear feet of 18 inch pipe with 27 inch pipe; and replace 369 feet of 12 inch pipe with 27 inch pipe, as identified on the sewer master plan.

        ii. Sewer project known as 11D includes the replacement of 2,060 LF of 8-inch with 12 inch diameter sewer pipeline, as specified in the City of Milpitas Sewer Master Plan includes replacement of they system in its entirety.

    Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Milpitas Engineering Plans and Map Procedures and Guidelines, and all public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to issuance of any final certificate of occupancy of any unit.

65. Proposed main access of South Main Street will be restricted to right-out movement, and no left turn movement out of the main entrance will be allowed. Median shall be modified to restrict movement.

66. The Owner/Designee shall submit the following items with the building permit application and pay the related fees prior to building permit issuance (Note these fees are estimated fees and will be finalized along with the subdivision improvement agreement):

    a. Storm water connection fee of $46,288 (based on 2.76 acre @ $16,771/acre), this fee shall be paid prior to building permit issuance or any final map or parcel map recordation.

    b. Water connection fee of $237,456 (based on 204 units at $1164/U).

    c. Sanitary Sewer connection fee of $286,824 (based on 204 units @ $1406/U).

    d. Sanitary Sewer Treatment Plant fee of $140,760 (based on 204 units @ $690/U).

e. Water Service Agreement(s) for water meter(s) and detector check(s).

f. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

g. Sewage Capacity: The developer shall pay its fair share cost of purchasing adequate public system sewage capacity for the development. Fees shall consist of treatment plant fees up to the Master Plan level and connection fees. Impact fees for discharges above master plan levels for sewage collection system infrastructure improvements, and regional plant capacity needs (above the master plan capacities), as determined by the City Engineer. This amount is estimated to be $386,925, as of October 2011, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee.

h. Pump Station: Owner/Designee shall provide for adequate sewage pumping capacity at the Milpitas Main Sewage Pump Station for the respective developments. The developer can fulfill this obligation by payment of $117,625 to the City for this purpose. This amount is as of October 2011, and to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee.

i. Water Impact Fees: Owner/Designee shall pay its fair share cost of purchasing adequate public system water for the respective developments, including costs for capacity and storage needs above master plan capacities, as determined by the City Engineer. This amount is estimated to be $69,813, as of October 2011, to be adjusted by ENR at the time of payment. This impact fee is in addition to the City existing connection fee and treatment plant fee.

j. Traffic Impact Fee:

   i. Owner/Designee shall contribute a "fair share" traffic impact fee in the amount of $116,840 (based on a Midtown impact fee of $113 per peak hour trip, and Montague Expressway impact fee of $903 per peak hour trip, assuming 115 PM peak trip).

   ii. Owner/Designee shall contribute a "fair share" traffic impact fee for the Calaveras Widening in the amount of $47,940 (based on a $235 per dwelling unit). This amount is as of October 2008, and to be adjusted by ENR at the time of payment.

   iii. In lieu of contribution toward South Main Street and Abel Street Plan Line Study, the developer is required to construct the required improvements along South Main and Abel Street frontage. Proposed median and all improvements along Main and Abel street frontage must be in accordance with the 2007 South Main Street & South Abel Street Plan Line Study, and shall be constructed and accepted by the City prior to building occupancy permit issuance.

Contact the Land Development Section of the Engineering Division at (408) 586-3328 to obtain the form(s).

67. Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee scheduled adopted by the City Council, including but not limited to, connection fees (water, sewer and storm), Transit Area impact fee, plan check and inspection deposit, and 2.5% building permit automation fee as approved by City Council Resolution No. 7590. These fees are part of the secured subdivision improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.

68. Prior to final map approval, the developer shall successfully process an application through the City to vacate that portion of S. Main and Abel Street as public streets, and portion of the existing Public Service Utility Easement.

69. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes.

70. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub are permitted within City utility easements, where the easement is located within landscape areas.

71. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.

72. Prior to building permit issuance developer shall submit an engineering report detailing how adequate water supply pressures will be maintained. Multistory buildings as proposed require water supply pressures above that which the city can normally supply. Additional evaluations by the applicant are required to assure proper water supply (potable or fire services). Contact the Utility Engineer at 586-3345 for further information.

73. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:

    a. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.

    b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.

74. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240), the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system ***when available***. The developer will construct the entire landscaped area for recycled water connection. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed.

75. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires and remove the related poles within the proposed development, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state the wire voltage.

76. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.

77. Prior to any work within public right of way or City easement, the developer shall obtain necessary encroachment permits from City of Milpitas Engineering Division.

78. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District, Santa Clara Transportation Agency, and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.

79. Prior to final map approval or any building permit issuance, the developer shall submit construction plans to Santa Clara Valley Water District (SCVWD) and obtain necessary permits or approvals. The proposed SD line along the SCVWD easement along Penitencia Creek shall be subject the District review and approval. Developer is responsible for any site plan changes to comply with District requirements.

80. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.

81. The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review.

82. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress.

83. Developer shall make changes as noted on Engineering Services Exhibit "T" (dated 9/30/2011) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the final map or improvement plans will be accepted until this condition is satisfied.

Key:

MM = Mitigation Measure
MND = Adopted Mitigated Negative Declaration for Matteson Project
DEIR = Draft Environmental Impact Report for Midtown Specific Plan

(P) – Planning Division
(E) – Engineering Division
(CA) – City Attorney

CEQA ADDENDUM

Mitigated Negative Declaration No. EA06-0005 for South Main Street Residential Project
(1201 S. Main Street)

October 12, 2011

City of Milpitas
Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95008

Staff contact: Sheldon S. Ah Sing, Senior Planner, (408) 586.3278

SUMMARY OF THIS DOCUMENT

This addendum assesses the environmental impact(s) of changing the scope of the development in association with the project located at 1201 South Main Street (APN: 086-16-100), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City of Milpitas, as the lead agency under CEQA, will consider the potential environmental impacts of changing the scope of the project listed above when it considers the project in its entirety. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA Guidelines. The Addendum does not recommend approval or denial of the proposed refinements to the Project. The fundamental conclusion of this addendum is that the proposed changes to the Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the Mitigated Negative Declaration EA06-0005. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) has occurred. Under Section 15162, the lead agency shall prepare an (EIR) if there are any new significant environmental effects associated with the refined project. With respect to the Project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, this addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164.

BACKGROUND

In 2007, the project site was granted approval for a multi-family housing development consisting of 126 condominium units and 2,800 square feet of commercial space on approximately 2.75 acres. The project obtained a variety of planning approvals such as site and architectural, general

plan, zoning change and specific plan amendment. A Mitigated Negative Declaration No. EA06-0005 was drafted to analyze the potential environmental impacts resulting from development of the project.

UPDATED PROJECT DESCRIPTION

The previous project's entitlements have since expired and a new proposal was submitted by a different proponent that included a change in scope of the project. The new proposal merely implements minor modifications to the project by increasing residential density from 126 to 204 dwelling units and eliminating a ground floor commercial component. The multifamily residential format, site footprint, massing, improvement height, Mediterranean architectural style and other projects aspects are being maintained.

PROJECT IMPACTS

The modification of the project features only minor changes in a project site within the Midtown Specific Plan Area. The project modifications will maintain compliance with Midtown Specific Plan Guidelines on the site as to development standards and design guidelines.

The only changes of note from the previous project are the elimination of the commercial component and the addition of 78 dwelling units for a total of 204 units. The elimination of the commercial component mostly offsets the traffic impacts of the additional residential units. Therefore, the project results in 1,235 daily trips (95 in the AM peak and 115 in the PM peak). This trip generation constitutes only a minor addition of total trips from the previous project, which was projected to generate approximately 1,166 daily trips (84 in the AM peak and 109 in the PM peak).

The updated traffic analysis for the project did not identify any new impacts for the project. It is not expected that any environmental impacts would occur beyond what was already identified in the adopted Mitigated Negative Declaration.

PLANNING AND DEVELOPMENT DEPARTMENT FINDINGS

It is the finding of the Planning Division that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project.
Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required for the issue areas discussed above. Discretionary processing of the South Main Street Residential Project may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

TABLE OF CONTENTS

1.0 INTRODUCTION AND PURPOSE **2**

2.0 PROJECT INFORMATION **3**

2.1 PROJECT TITLE 3
2.2 PROJECT LOCATION 3
2.4 PROPERTY OWNER/PROJECT PROPONENT 3
2.5 ASSESSOR'S PARCEL NUMBER 3
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT 3

3.0 PROJECT DESCRIPTION **6**

4.0 ENVIRONMENTAL SETTING: CHECKLIST AND DISCUSSION **10**

4.1 AESTHETICS 10
4.2 AGRICULTURE 16
4.3 AIR QUALITY 17
4.4 BIOLOGICAL RESOURCES 22
4.5 CULTURAL RESOURCES 28
4.6 GEOLOGY AND SOILS 31
4.7 HAZARDS AND HAZARDOUS MATERIALS 35
4.8 HYDROLOGY AND WATER QUALITY 38
4.9 LAND USE 45
4.10 MINERAL RESOURCES 49
4.11 NOISE 50
4.12 POPULATION AND HOUSING 57
4.13 PUBLIC SERVICES 59
4.14 RECREATION 64
4.15 TRANSPORTATION 66
4.16 UTILITIES AND SERVICE SYSTEMS 77
4.17 MANDATORY FINDINGS OF SIGNIFICANCE 82
4.18 AUTHORS AND CONSULTANTS 83
4.19 CHECKLIST SOURCES 84
4.20 REFERENCES 85

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 1500*et. seq.*), and the regulations and policies of the City of Milpitas. The project site is currently designated *General Commercial with a Transit-Oriented Overlay* in the City of Milpitas General Plan and zoned *C2-TOD-S, General Commercial with Transit Oriented Development Combining District Overlay* . This Initial Study evaluates the environmental impacts which might reasonably be anticipates to result from the land use designation change and rezoning of the approximately 2.72 acre site to *R-4-TOD-S, Multi-Family Very High Density Residence District with Transit Oriented Development Overlay* zoning and *Multi-Family High Density Residential* land use, to allow for the construction of 126 condominium units and 2,700 square feet of ground floor retail space.

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

South Main Street Residential Development Project

2.2 PROJECT LOCATION

The proposed project site is located immediately north of the intersection of South Abel Street and South Main Street in the City of Milpitas. Regional and vicinity maps of the project area are shown on Figures 1 and 2, respectively.

2.3 LEAD AGENCY CONTACT

City of Milpitas
Bridgette Carroll, Project Manager
455 East Calaveras Boulevard
Milpitas, CA 95035
(408) 586-3279

2.4 PROPERTY OWNER/PROJECT PROPONENT

Mr. John Baer
The Matteson Companies
1991 Broadway, Suite 300
Redwood City, CA 94063
Phone: 650-556-1500

2.5 ASSESSOR'S PARCEL NUMBER

086-16-100

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: General Commercial with a Transit Oriented Development Overlay

Zoning District: C-2-TOD-S, General Commercial with Transit Oriented Development Combining District Overlay and Site and Architectural Review Combining District Overlay

Regional Map-Figure 1

Vicinity Map-Figure 2

SECTION 3 PROJECT DESCRIPTION

The South Main Street Residential Development project (hereinafter the "project") proposes 126 for-sale multi-family dwelling units (condominiums) and 2,700 square feet of retail on approximately 2.72 acres (46 DU/AC). The site is located just north of the South Main Street/South Abel Street intersection, approximately 0.25 miles to the south of the Valley Transportation Authority (VTA) Great Mall/Main light rail station in the City of Milpitas. The purpose of the proposed project is to provide high density housing within close proximity to transit.

The project site is undeveloped and is currently designated *General Commercial with a Transit Oriented Development Overlay*[1] in the General Plan and zoned *C-2-TOD-S General Commercial with Transit Oriented Development Combining District Overlay and Site and Architectural Review Combining District Overlay*. The project proposes a General Plan land use change of the site to *Multi-Family High Density Residential with a Transit Oriented Development Overlay*, allowing for the development of between 41 and 60 dwelling units per acre. The project also proposes rezoning of the site to *R-4 Multi-Family Very High Density Residence District with Transit Oriented Development Combining District Overlay and Site and Architectural Review Combining District Overlay* and the construction of three stories of condominium units above ground floor retail and an at-grade parking structure. The buildings will be approximately 46.0 feet tall at the mid point of the roof and will have a maximum height of approximately 54.5 feet with the addition of decorative architectural features. The ground floor retail will be located at the corner of South Main Street/South Abel Street with nine residential units above. The remaining 117 residential units will be located on a single podium above the single-story parking structure. The 126 dwelling units will be for-sale units and it is currently anticipated that the units will be comprised of 31 one-bedroom units, 80 two-bedroom units, and 15 three-bedroom units. See Figure 3.

The proposed project will have a combination of common and private open space. The project proposes two courtyard areas on top of the podium. The courtyards will be located in the interior of the site and total approximately 13,260 square feet of common open space and approximately 6,161 square feet of private open space. The private open space within the courtyards will be fenced patios one the first floor. The southern courtyard will be open space with a spa and sitting area. The northern courtyard will have a swimming pool, spa, and fitness/recreation room. Residential units that do not have fenced patios will have private balconies. In addition to the courtyards, the project site will also have a 5,008 square foot open space area on the western side of the property comprised of ground cover and evergreen shrubs. While this area may be used for passive recreation, the main purposed of this area is for stormwater treatment.

The project will provide a total of 262 parking spaces on the project site. Of the 262 parking spaces, 226 would be located in the single-level, at-grade gated parking garage. The garage will house both residential and retail parking. There will be a total of 206 assigned residential parking spaces. The remaining 20 spaces will be shared retail/resident parking. The garage will be accessed by two ingress/egress driveways on South Main Street. The southern driveway will be 25 feet wide and will provide direct access to the parking structure. The shared retail/resident parking will be located at this driveway entrance and will be separated from the assigned residential parking by a gate. The

[1] TOD Overlay Zone is located near transit stations and is applicable to land generally located within a 2,000 foot walking distance from a light rail station or future BART station. City of Milpitas General Plan. March 2002.

northern driveway will be 25 feet wide and will enter the surface parking lot, which provides through access to the parking structure. Twenty-eight of the 206 resident garage parking spaces will be tandem parking. Each pair of tandem parking spaces will be dedicated to individual multi-bedroom dwelling units. The project will also provide 38 bicycle parking spaces for residents within the garage and 36 automobile parking spaces in a surface lot at the northern end of the project site for guests. See Figure 4.

The proposed rezoning, General Plan Amendment, Midtown Specific Plan Amendment, Tentative Map, Site & Architectural Review, and subsequent permits needed to implement the proposed project are covered by this Initial Study.

Figure 3 – Site Plans

Figure 4 – Parking Plan

SECTION 4 ENVIRONMENTAL SETTING & CHECKLIST

This section describes the existing environmental conditions on and near the proposed project site, as well as environmental impacts associated with the project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, is used to identify environmental impacts that could occur if the proposed project is implemented. This section identifies the impacts which might result from the proposed project, explains the answers to the checklist questions, and addresses mitigation measures that are proposed to reduce or avoid significant impacts. 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 the checklist. Where appropriate, this section also includes an explanation for those adverse impacts determined to be less than significant.

4.1 AESTHETICS

4.1.1 Setting

The approximately 2.72 acre project site is located within a commercial area of Milpitas, at the intersection of South Main Street and South Abel Street. The site is currently undeveloped and the surrounding area is flat. Because there are no elevated areas of development in the project area, the existing buildings obscure the view of the project site and making the site visible only from within the immediate area.

The site is bordered by sidewalks and roadways on the eastern and southern portion of the project site, a small retail center on the western boundary, and a six foot wide Santa Clara Valley Water District right-of-way along the northern portion of the site, located between the project site boundary and Penitencia Creek. The site is undeveloped and covered with brush. One large tree is located on the southern portion of the site. Street trees are located on the eastern and southern perimeters.

The site is currently an undeveloped lot (see Photo 1) bounded on the north by Penitencia Creek. The creek is separated from the project site by a riparian corridor, a ten foot tall earthen levee, and a 25-foot wide Santa Clara Valley Water District easement. The riparian corridor is vegetated with grasses (see Photo 2). The riparian vegetation and the levee are visible from South Main Street and the surrounding land uses.

The eastern boundary of the project site is South Main Street. South Main Street is a four-lane roadway with bike lanes along both shoulders, sidewalks on both the eastern and western side of the road, and ten street trees lining the western sidewalk adjacent to the project site. On the east side of South Main Street are two restaurants (Palm's Restaurant and Lina's Place), the Milpitas Animal Hospital, and the A-Tool Shed Rental Equipment office and rental lot. The Palm's Restaurant is a single-story, brick and stucco, L-shaped restaurant surrounded by a large surface parking lot. It is located on the eastern side of Main Street closest to the intersection of S. Main and S. South Abel Street. Lina's Place restaurant is just north of the Palm's restaurant. Lina's Place is an older, small, one-story stucco building with a flat roof and no windows except for a drive-thru. It is surrounded by a large gravel parking lot (see Photo 3). The Milpitas Animal Hospital is immediately to the north of Lina's Place restaurant and parking lot. The Milpitas Animal Hospital is a small, one-story, stucco building with a paved parking lot to the south. A-Tool Shed Equipment Rental is located north of the animal hospital. The rental business includes a small, one-story, stucco building with a wood-shingled roof and a small, paved parking lot on the south side of the building. A street tree is located

Photos 1-2

Photos 3-4

Photos 5-6

in front of the building, near the sidewalk. The equipment storage lot is immediately north of the office building (see Photo 4). Landscaping separates the equipment rental office and the equipment storage lot to the north. A metal fence separates a railroad from the rear lots of all of the businesses facing the eastern side of South Main Street.

West of the project site is a small retail center comprised of various businesses. The retail center is a two-story L-shaped building with tiled roofing and a stucco exterior. The parking lot is accessible via two driveways off of South Abel Street (see Photo 5). The eastern side of the adjacent commercial development abuts the project site. There are three trees and various landscaping located along the eastern side of the building bordering the project site. Shop entrances and windows are facing the parking lot located on the south side of the building.

4.1.2 Environmental Checklist and Discussion

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

4.1.2.1 Change in Visual Character

The proposed project would develop a currently undeveloped lot with up to 126 multi-family attached residential units and 2,700 square feet of retail. The proposed residential units would be three stories over an at-grade parking structure with an average building height of 50 feet. Units will range from 850 to 1,500 square feet in size. The retail space would be located at the southeast corner of the site with a street level entry onto South Main Street, were South Main Street and South Abel Street meet. The project consists of three interconnected buildings oriented around two courtyards. New landscaping would be located along the perimeter of the site and in the interior courtyards.

The development of the proposed project would be of similar mass, density, and height as the surrounding residential uses located to the south of the project site, and residential uses currently

approved and under construction to the north of the project site. The project will be required to comply with the City's adopted Midtown Specific Plan Design Guidelines. In addition, the project will need to conform to the City's Plan Line Study to ensure that the streetscape elements are consistent other developments on Main Street and Able Street. The project will have a less than significant visual and aesthetic impact.

Conformance with the Midtown Specific Plan Design Guidelines would be required for the proposed development. The Guidelines stipulate the following:

- Buildings cannot exceed four stories or 60-feet in height;
- Commercial uses shall be built to the edge of the sidewalk and any setback area for commercial or mixed-use buildings would be primarily paved to allow for outdoor seating or display of goods;
- Special architectural features such as bay windows, and entry features such as trellises, canopies and awnings;
- The primary face shall have a direct relationship to the location of building entries and detail of building articulation;
- Primary entries for commercial establishments and second floor residential units would be visible and accessible directly from the street.

The site is not located within or adjacent to a scenic viewshed or along a scenic highway.

4.1.2.2 Light and Glare Impacts

The project would include outdoor security lighting on the site, along walkways, driveways, and entrance areas. This outside lighting would be high-pressure sodium lighting. Lighting would increase the level of illumination in the area, but would be consistent with the existing lighting provided at the adjacent apartments and for commercial uses surrounding the site. Based on the consistency with nearby lighting, the project would not result in significant light and glare impacts.

4.1.3 Conclusion

The proposed project would not result in significant, adverse visual or aesthetic impacts. **(Less Than Significant Impact)**

4.2 AGRICULTURE

4.2.1 Setting

According to the Santa Clara County Important Farmland 2004 map, the project site is designated as *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 undeveloped and not used for agricultural purposes. The site is not the subject of a Williamson Act contract. The site is located within an urban area of Milpitas and there is no agricultural land adjacent to the project site.

4.2.2 Environmental Checklist and Discussion

AGRICULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☐	☒	☐	1,2,3,4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,2,3,4
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?	☐	☐	☐	☒	☐	1,2,3,4

As described above, the project site is not designated as farmland or used for agricultural purposes. In addition, the project will not conflict with a Williamson Act contract or result in the conversion of existing farmland to non-agricultural use. For these reasons, the proposed project would not result in any impacts to farmland.

4.2.3 Conclusion

The proposed project would not result in any impacts to farmland. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine. In the Santa Clara Valley, vehicular emissions are the predominant source of air pollutants.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward Milpitas, particularly during the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San José.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give Milpitas a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

The two pollutants known at times to exceed the state and federal standards in the project area are regional pollutants. Ozone and PM_{10} are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region.

The Federal Clean Air Act and the California Clean Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state, where the federal or state ambient air quality standards are not met, as "nonattainment areas." Because of the differences between the national and data standards, the designation of nonattainment areas is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is classified as a nonattainment area for ozone and PM_{10}. The county is either in attainment or unclassified for other pollutants.

4.3.1.1 Ambient Air Quality Standards

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The closest multi-pollutant monitoring station to the project site is the Central monitoring station in downtown San José. Table 1 summarizes exceedences of

state and federal standards at the downtown San José monitoring site during the period 2003-2005. Violations of the carbon monoxide standards had been recorded in downtown San José prior to 1992.

TABLE 1
Number of Ambient Air Quality Standards Violations and Highest Concentrations (2003 - 2005)

Pollutant	Standard	Days Exceeding Standard		
		2003	2004	2005
Ozone	Federal 1-Hour	0	0	0
Ozone	State 1-Hour	4	0	1
Ozone	Federal 8-Hour	0	0	0
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0
PM_{10}	Federal 24-Hour	0	0	0
PM_{10}	State 24-Hour	3	4	1
$PM_{2.5}$	Federal 24-Hour	0	0	0

Source: California Air Resources Board, Aerometric Data Analysis and Management System, 2006

Carbon monoxide is considered a local pollutant because elevated concentrations are usually found near the source. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually found near areas of high traffic volumes.

4.3.1.2 Sensitive Receptors

The 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. Sensitive receptors near the project site include the future residences to the north and existing residences to the south (refer to Figure 5).

4.3.2 Environmental Checklist and Discussion

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐	1,2,3,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐	1,2,3,5

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3,5
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	☐	1,2,3,56
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,2,3,5

4.3.2.1 Specific Development Project Regional and Local Air Quality Impacts

Implementation of the proposed project would slightly increase the number of dwelling units within the City of Milpitas. An increase in dwelling units typically results in an increase in traffic, which results in an increase in local and regional pollutant levels. The project proposes to construct up to 126 dwelling units. The Bay Area Air Quality Management District (BAAQMD) does not require project specific analysis for projects proposing less than 520 apartments/condominiums or resulting in less than 2,000 vehicle trips per day. If a project does not exceed either of these thresholds, it is typically assumed to have a less than significant impact on air quality. Nevertheless, an estimation of pollutants anticipated to be generated by the proposed project was calculated using the BAAQMD CEQA Guidelines.

The proposed project will generate approximately 1,166 daily trips (see Section 4.15, *Transportation)*. The BAAQMD CEQA Guidelines establish the following significance thresholds for common pollutants:

- Carbon Monoxide (CO) – 550 pounds per day
- Nitrogen Oxides (NO_x) – 80 pounds per day
- Reactive Organic Gases (ROG) – 80 pounds per day
- Particulate Matter (PM_{10}) – 80 pounds per day

Using the BAAQMD Methodology, it was calculated that the project will generate 136.0 pounds per day (ppd) of CO, 20.1 ppd of NOx, 9.9 ppd of ROG, and 7.8 ppd of PM_{10}, which are all well below the established significance thresholds for these pollutants. The proposed project will, therefore, have a less than significant impact on local and regional air quality.

The proposed development would not include any processes that would generate objectionable odors.

4.3.2.2 General Plan and Specific Development Project Construction-Related Impacts

The proposed project would require excavation and grading of the site. Excavation of soil has a high potential for creating air pollutants. In addition to the dust created during excavation, substantial dust emissions could be created as debris and soil is loaded into trucks for removal.

After excavation, construction dust would continue to affect local air quality during construction of the project. Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

During construction various diesel-powered vehicles and equipment would be used on-site. In 1998 the California Air Resources Board identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). The California Air Resources Board has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines.[2] High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stop) were identified as having the highest associated risk.

Health risks from Toxic Air Contaminants are a function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature, and the bulk of the emission occurs within the project site at a substantial distance from nearby receptors. Because of its short duration, health risks from construction emissions of diesel particulates would be a less than significant impact.

According to the *BAAQMD CEQA Guidelines*, emissions of ozone precursors (ROG and NOx) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans, and thus are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area. Thus, the effects of construction activities would be increased dustfall and locally elevated levels of particulate matter (PM_{10} and $PM_{2.5}$) downwind of construction activity, which is considered a significant impact

Impact AIR-1: Construction activities related to the proposed project could result in significant short and long-term air quality impacts.

Mitigation Measures: The following Midtown Specific Plan and specific development mitigation measures will reduce potential construction-related air quality impacts of the proposed project to a less than significant level:

[2] California Air Resources Board, *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, October 2000.

Midtown Specific Plan

The Specific Plan contains policies directed at reducing vehicle miles traveled. The Specific Plan encourages a compatible mixture of land uses, provides for a land-use mix that supports major transit facilities, locates higher density development around hubs and commercial centers, provides for the continuation of pedestrian-oriented retail development, and provides pedestrian connections between the transit stations and important destinations.

Specific Development Project Mitigation Measures

The BAAQMD has prepared a list of feasible dust control measures that can reduce construction impacts to a less than significant level. The following measures will be implemented during all phases of construction on the project site:

MM AIR-1.1: The project applicant shall water all active construction areas at least twice daily or as often as needed to control dust emissions.

MM AIR-1.2: The project applicant shall cover all trucks hauling soil, sand, and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

MM AIR-1.3: The project applicant shall sweep daily or as often as needed with water sweepers on all paved access roads, parking areas, and staging areas at construction sites to control dust.

MM AIR-1.4: The project applicant shall sweep public streets daily or as often as needed to keep streets free of visible soil material.

MM AIR-1.5: The project applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)

MM AIR-1.6: The project applicant shall replant vegetation in disturbed areas as quickly as possible.

4.3.3 Conclusion

The proposed project would not result in significant long-term air quality impacts. **(Less Than Significant Impact)**

Implementation of the proposed mitigation measures would reduce local air quality impacts associated with the construction of the proposed project to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.4 BIOLOGICAL RESOURCES

The following information is based in part on a Burrowing Owl survey and habitat report prepared by *Dean Carrier, Certified Wildlife Biologist* in November 2005 (see Appendix A).

4.4.1 Setting

The project site is located within a developed area of Milpitas. The project site is itself undeveloped. The site is covered in overgrown grassland and has one tree at the south end. Penitencia Creek, which is confined within a man-made channel in this area, borders the site to the north. Street trees are located along the eastern and southern perimeters of the site. Wildlife species expected to occur on the project site are those adapted to urban environments.

4.4.1.1 Special-Status Plants and Animals

Special status plants and animals include species listed under State and Federal Endangered Species Acts (including candidate species), animals designated as Species of Special Concern by the California Department of Fish and Game, and plants listed in the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California.

Special Status Plant Species

The site is covered with dense ruderal vegetation of primarily non-native grasses and forbs. Species observed on-site included: Milk thistle, cheeseweed, black mustard, and wild radish. Evidence suggests that annual disking for weed abatement purposes has been conducted in the past. There are no special status plant species on the site.

The channelized segment of Penitencia Creek is partially rip rapped and appears to be periodically cleared of vegetation. During the reconnaissance survey, some emergent aquatic vegetation was growing in the channel.

Special Status Animal Species

Burrowing Owls

The burrowing owl is listed by the State of California as a Species of Special Concern due to habitat loss caused by intense development of open, flat, grasslands in California. This species occupies a variety of habitats where the burrowing activities of small mammals provide for suitable nesting habitat.

According to the Midtown Milpitas Specific Plan Draft EIR, burrowing owls have occurred within the Midtown area and suitable nesting habitat was identified at this project site. The Midtown Specific Plan EIR identified the need to survey the vacant lot for burrowing owls during the nesting season (April 15-July 15).

A reconnaissance-level survey was preformed on April 17, 2006 to determine if Burrowing Owls utilize the area for nesting, roosting or foraging. The survey found no Burrowing Owls or unoccupied burrows on the site. Also no secondary evidence of their presence (i.e., feathers, prey remains, etc.) were observed.

The site has little potential for providing long-term habitat for breeding Burrowing Owls. The increasing urban/commercial uses, including light rail, automobile traffic, human disturbance, annual disking requirements, and occurrence of domestic housecats in the adjacent residential areas render the site less than optimum for occupancy by the species. However, Burrowing Owls in Santa Clara County have nested in wells at transit stations, in landscaping strips adjacent to major streets, and on the pitchers mound in a college baseball diamond. Since Burrowing Owls have been known in this area, they may return to the site. The remaining vacant land is not a sufficient size to support a Burrowing Owl or pair of owls permanently or to function as breeding habitat.

Other Animal Species On-Site

The project site contained one small rodent hole in the Santa Clara Valley Water District right-of-way/gravel road, however, no mammals or mammal sign was noted. Jackrabbits appear to inhabit areas surrounding the eucalyptus tree on the site.

Other wildlife species noted on the site or in the vicinity included American crow, black phoebe, cliff swallows, and rock doves. A pair of mallards was observed in the Penitencia Creek channel.

4.4.1.2 Tree Ordinance

The City of Milpitas Tree Ordinance defines an ordinance-size tree as any woody perennial plant characterized by having a main stem or trunk which measures 37-inches or greater in circumference. A tree removal permit is required for the removal of ordinance size trees.

There is an ordinance size eucalyptus tree located at the south of the project site. The tree is approximately 147-inches in circumference (48-inches diameter).

4.4.2 <u>Environmental Checklist and Discussion</u>

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☒	☐	☐	☐	1,2,3,7,8

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3,7
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐	1,2,3,8
5) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1,2,3

4.4.2.1 Special-Status Plants and Animals

The project proposes to clear and grade the undeveloped parcel and construct up to 126 condominium units and 2,700 square feet of ground floor retail space. Under the proposed project, the site would continue to provide urban habitat for urban-adapted species. The site has no recorded historical presence of Burrowing Owls and is not currently occupied by burrowing owls. No other special status species have been found to occur on-site.

The project site is not currently occupied by Burrowing Owls and is disked regularly. Disking destroys possible owl habitat by destroying squirrel burrows. Nevertheless, owls have been known to occupy disked land and it must be assumed that owls could occupy the site. If owls are located on-

site, construction activities could result in a "take" (harming or destroying) of individual owls which would be a significant impact.

As stated in the setting section above, there is currently a small population of jack rabbits living and foraging on the project site. The jack rabbits are not a protected species and no specific measures are required to avoid or remove the animals prior to the start of construction. The loss of jack rabbits during construction is not considered a significant impact. Nevertheless, the applicant will work with the City to determine humane measures for removal and relocation of the jack rabbits prior to construction.

Impact BIO-1: Construction activities during the nesting season may result in the loss of individual Burrowing Owls foraging on or occupying the project site.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Biotic Resources Policy 4.b-I-4*: Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.

- *Biotic Resources Policy 4.b-I-5:* Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

Specific Development Project Mitigation Measures

The following specific development mitigation measures will be implemented during construction to avoid take of Burrowing Owls:

MM BIO-1.1: Pre-construction surveys for Burrowing Owls shall be completed in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is required. However, if Burrowing Owls are located on or immediately adjacent to the site the following mitigation measures will be implemented:

MM BIO-1.2: If Burrowing Owls are present during the nonbreeding season (1 September to 31 January), a 150-foot buffer zone, within which no new activity will be permissible, shall be maintained around the occupied burrow(s). During the breeding season (1 February to 31 August), a 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on-site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

MM BIO-1.3: If construction will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans by, and receipt of formal written approval of the relocation from the CDFG. No Burrowing Owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring.

MM BIO-1.4: If destruction of occupied (breeding or non-breeding season) burrows, or any burrows that were found to be occupied during pre-construction surveys, is unavoidable, a strategy shall be developed to replace such burrows by enhancing existing burrows or creating artificial burrows on permanently protected lands adjacent to occupied burrowing owl habitat. This strategy will include permanent protection of a minimum of 6.5 acres of Burrowing Owl habitat per pair or unpaired resident owl. A plan shall be developed and approved by the County describing creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures.

4.4.2.2 Ordinance-Size Trees

The project proposes to remove the existing eucalyptus tree on the project site, which is protected under the Milpitas zoning ordinance, and plant new landscaping throughout the proposed residential and commercial development.

Impact BIO-2: Implementation of the proposed project will result in the loss of one tree protected by the City of Milpitas Zoning Ordinance.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Biotic Resources Policy 4.b-I-2*: Preserve remaining stands of trees.

Specific Development Project Mitigation Measures

The following mitigation measures are included in the proposed project to reduce the impact of the loss of the protected tree.

MM BIO-2.1: In conformance with the City of Milpitas Zoning Ordinance, all trees removed from the site that measure 37-inches or greater in circumference (12-inches in diameter) at four feet six inches above the ground surface shall be replaced in-kind at a 3:1 ratio within the project site.

MM BIO-2.2: Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, shall be mitigated by fees paid to the City. The funds will be deposited in the City's Tree Replacement Fund and will be used to plant trees within the City of Milpitas.

4.4.3 Conclusion

The proposed project, with the implementation of the above mitigation measures, would not result in significant impacts to biological resources. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Setting

4.5.1.1 Prehistoric Resources

The project site is located at an infill location, adjacent to Penitencia Creek which was relocated to its existing location in the early 1980s. Historically a small portion of the creek was located within the boundaries of the project site. According to the City of Milpitas Archaeological Sensitivity Map, the project site is considered archaeologically sensitive.

4.5.1.2 Historic Resources

According to the Midtown Specific Plan EIR, there is one known archaeological site in the vicinity of the project site (CA-SCL-38). The site is located within 100 feet of Penitencia Creek, within the Elmwood Correctional Facility and extending beyond the facility's property line toward South Abel Street. Additionally, many prehistoric sites have been found near creeks in Santa Clara County.

There are no existing structures on the site, and no local, state, or federal historically or architecturally significant structures, landmarks, or points of interest are located on-site.

4.5.2 Environmental Checklist and Discussion

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	☐	1,2,3
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	☐	1,2,3
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐	1,2,3

4.5.2.1 Prehistoric and Historic Resources

Due to the presence of known archaeological resources near this section of Penitencia Creek, any proposed development within 100 feet of the creek or its historic location will be reviewed for their potential to adversely affect archaeological resources. A portion of the proposed project site is located within 100 feet of the current and historic location of Penitencia Creek.

There are no known archaeological resources located within the project site, however, Penitencia Creek previously ran near the eastern site boundary prior to the early 1980s when it was channelized to its current location along the northern site boundary. Within the vicinity of Penitencia Creek in Milpitas are known archaeological resources[3]. Due to the close proximity of the historic alignment of Penitencia Creek it is possible that unknown subsurface resources including human burials could exist on the project site.

Impact CUL-1: Development of the project site could result in a significant impact to buried cultural resources which could be present on the site.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Historic and Cultural Resources Policy 4.f-I-3*: Develop a program to survey and catalog artifacts, documents, and other historic materials.

Midtown Specific Plan Mitigation Measure

Cultural Mitigation Measure 2: When proposed for development, the planned bicycle and pedestrian improvement in the vicinity of the Penitencia Creek and the development of vacant lands in the vicinity of Penitencia Creek (within 100 feet of the creek bank) shall be reviewed for their potential to adversely affect archaeological site CA-SCL-38. Mitigation, including site avoidance, data recovery and/or construction monitoring may be necessary, depending on the nature of the site, and the project's potential impact to it. A qualified archaeologist shall make project-specific recommendations, which shall be implemented prior to the development of the path or construction on these vacant lands.

Specific Development Mitigation and Avoidance Measures

The following measures, as required by the state and as identified in the Midtown Milpitas Specific Plan Draft EIR[4], would be incorporated as part of the project and will be implemented in the event that historic or prehistoric resources are uncovered during project construction:

[3] Costanoan village sites lie within the City limits of Milpitas. A large shellmound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the 18th century.
[4] City of Milpitas. Midtown Milpitas Specific Plan, Chapter 3.8: Cultural Resources. October 8, 2001.

MM CUL-1.1: During site clearing, initial grading, and excavation, a qualified archaeologist shall be on-site to monitor all ground disturbing activities to determine if any unknown resources are located on-site.

MM CUL-1.2: Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-intern the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM CUL-1.3: In the event that any archaeological site indicators are found, work will be stopped within 50 feet of the discovery until a qualified archaeologist has inspected the resource and made a determination of significance. If the resource is determined to be insignificant, work can resume with no further action. If the resource is determined to be significant, then recommendations for recordation and preservation of the resource will be made by the archaeologist and a data recovery work plan will be prepared and submitted to the City's Director of Planning for approval. Construction work will not be allowed within the designated 50-foot zone until the archaeologist completes the data recovery.

4.5.3 Conclusion

The proposed project, with the implementation of the above proposed avoidance and mitigation measures, would not result in significant impacts to cultural resources. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based a geotechnical investigation prepared by *Lowney Associates* in June 2005. The complete report can be found in Appendix B of this Initial Study.

4.6.1 Setting

4.6.1.1 Geologic and Soil Conditions

Soils

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north. In Milpitas, the soil is comprised of clay soils that contain groundwater at shallow depths[5]. The subsurface conditions make the project area subject to high shrink/swell potential[6]. Soils with shrink/swell potential swell when wet and shrink while drying. These soil conditions may present geotechnical constraints to foundation design and construction.

Borings taken on the project site determined that the soil includes approximately two to three feet of surficial fill, underlain by silty sand to a depth of eight feet. Under the silty sand the subsurface consists of interbedded layers of silts and clays to a depth of 45 feet (maximum depth explored).

Seismicity

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Strong ground shaking can therefore be expected at the site during moderate to severe earthquakes in the general region. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined, active fault zones of the San Andreas Fault system, which regionally trends in a northwesterly direction.

The site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone (formerly known as a Special Studies Zone) or a Santa Clara County Fault Rupture Zone (Santa Clara County, 2002). No known active faults cross the site, and as a result, fault rupture through the site is not anticipated.

The major active faults in the project area include: the Hayward, Calaveras, and San Andreas faults. The San Andreas Fault is approximately 15 miles southwest of the site, the Hayward Fault is approximately five miles northeast of the site, and the Calaveras Fault is approximately eight miles east of the site. Smaller faults close to the site include the Silver Creek Fault located two miles west and the Evergreen Fault located three miles east of the site. Due to the close proximity of the site to the aforementioned faults, any groundshaking, ground failure, or liquefaction caused by an earthquake could damage to structures on-site. The Association of Bay Area Governments (ABAG) predicts that there is a 67 percent probability that one or more major earthquakes will occur in the San Francisco region within the next 30 years. It is probable that a large earthquake would induce strong to very strong ground shaking on the project site during the life of the project.

[5] Historical high ground water of seven feet below the surface could be expected for the site vicinity.
[6] U.S. Department of Agriculture, Soil Conservation Service, Soils of Santa Clara County, August 15, 1968.

Liquefaction

Liquefaction is the transformation of water saturated soil from a solid to a liquid state during ground shaking. Soils most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage, such as silty sands or sands and gravels capped by or containing seams of impermeable sediment.

The sand layers encountered in the borings were generally medium dense to dense with varying amounts of clay. Some of the medium dense, silty sand layers beneath the design ground water depth of approximately seven feet are potentially liquefiable following a large earthquake on a nearby fault. Liquefaction of these layers could result in up to approximately 3/4-inch of total settlement. There are approximately seven feet of non-liquefiable material to prevent ground rupture at the site.[7]

Lateral Spreading

Lateral spreading occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face, such as a shoreline slope of creek channel, or in the direction of a regional slope or gradient. Based on the discontinuous nature and depth of potentially liquefiable layers, it has been concluded that the site has a low probability of lateral spreading.

4.6.2 Environmental Checklist and Discussion

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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.)	☐	☐	☐	☒	☐	1,2,3,9
b) Strong seismic ground shaking?	☐	☐	☒	☐	☐	1,2,3,9
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐	1,2,3,9

[7] Lowney Associates. Feasibility-Level Geotechnical Investigation for Main and Abel Street Residential Development. June 13, 2005.

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
d) Landslides?	☐	☐	☐	☒	☐	1,2,3,9
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐	1,2,3,9
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?	☐	☐	☒	☐	☐	1,2,3,9
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?	☐	☒	☐	☐	☐	1,2,3,9
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?	☐	☐	☐	☒	☐	1,2,3

4.6.2.1 Impacts from General Plan Amendment and Specific Development Project

Geologic and Soil Conditions

The project site includes moderate to highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions have the potential to damage structures and improvements on the project site. In addition, the surface soil of the site contains approximately two feet of fill material.

The site is also located in a seismically active region and, therefore, strong ground shaking is expected during the lifetime of the proposed project. While no active faults are known to cross the project site, groundshaking on the site could damage buildings and threaten the welfare of the residents. Furthermore, soils on the project site have a moderately high potential for liquefaction.

Geologic conditions on the project site will require that the proposed structures be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. Geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. With incorporation of these measures the project will not expose people or property to significant impacts associated with the geologic conditions of the site.

In addition, the project will not be exposed to slope instability, erosion, or landslide related hazards, due to the flat topography of the site.

Impact GEO-1: Expansive soil conditions on the project site have the potential to damage structures and improvements and groundshaking at the site could damage buildings and threaten the welfare of the residents.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Seismic and Geologic Hazards Policy 5.a-I-3*: Require projects to comply with the guidelines prescribed in the City's *Geotechnical Hazards Evaluation* manual.

Specific Development Project Mitigation Measures

The project proposes to implement the following mitigation measure:

MM GEO-1.1: Buildings shall be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies specific design features that will be required for the project, including: site preparation, compaction, trench excavations, exploration, and borings and test pits of the former creek area. The geotechnical investigation shall be reviewed and approved by the City's Director of Public Works prior to issuance of a building permit for the project.

4.6.3 Conclusion

With implementation of the standard engineering measures and standard measures described above, the proposed project would not result in significant geologic or soil impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following information is based on a Phase I Environmental Assessment prepared by *Lowney Associates* in June 2005 (see Appendix C).

4.7.1 Setting

4.7.1.1 Project Site History and Current Land Uses

Based on aerial photographs and topographic maps of the site, the site has been undeveloped since at least 1939. The project site is still undeveloped. It appears that the site was part of a larger farming operation and that the project site was grassland for cattle grazing. The 1965 aerial shows possible hay cultivation for the cattle. There is no evidence of other agricultural land uses, such as orchards or row crops, occurring on the project site.

4.7.1.2 Project Vicinity History and Current Land Uses

Based on aerial photographs from 1939 to 1956, the lands directly adjacent to the project site were all undeveloped. South Main Street, South Abel Street and Capitol Avenue had not yet been built. Some residential and commercial developments were present south and east of the site. In addition, a Ford automotive plant was present approximately 0.25 miles northeast of the site by 1956. Agricultural land and orchards were present to the south and southeast, but were diminishing in size by 1956.

South Main Street is first documented on a 1961 topographic map. A 1965 aerial shows that most of the land south and west of the site was still undeveloped, though Capitol Avenue is present.

On the 1982 aerial, undeveloped property still appears north and west of the site. Commercial development is present south and east of the site and all the current surface streets exist except of Great Mall Parkway.

In 1993, the adjacent commercial center was constructed and Great Mall Parkway is shown on the 1998 photos.

4.7.2 Environmental Checklist and Discussion

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3 11

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
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?	☐	☐	☒	☐	☐	1,2,3, 11
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐	1,2,3 11
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?	☐	☐	☐	☒	☐	1,2,3 11
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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐	1,2,3

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☐	☒	☐	1,2,3

4.7.2.1 On-Site Impacts

Based on aerial photographs and fire insurance maps, the project site has never been developed. Because there have been no documented land uses on the project site that would generate, use, or store hazardous materials, it is reasonable to assume that there is no soil or groundwater contamination on the site.

4.7.2.2 Off-Site Impacts

A regulatory database report was obtained to help establish whether contamination spills that might have impacts this property have been reported in the vicinity. There were no reported nearby hazardous materials spills or releases. Because there have been no nearby hazardous materials releases or spills, it is reasonable to assume that there is no soil or groundwater contamination on site.

4.7.3 Conclusion

Implementation of the proposed project would not create any hazardous conditions on the project site and will result in a less than significant hazardous materials impact. **(Less than Significant Impact)**

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Setting

4.8.1.1 Flooding

Based on the Federal Emergency Management Agency's Flood Insurance Rate Maps, the project site is located within *Zone AO*. Flood Zone AO is defined as areas with flood depths of one to three feet. The map lists the flood depth for the project site at one foot.

4.8.1.2 Storm Drainage System

The City of Milpitas owns and maintains the storm drainage system which serves the project site. The project site contains two 8-inch storm drains in the roadway located at the southwestern boundary of the site, a 12-inch storm drain in the roadway located at the western boundary of the site, a 14-inch storm drain in the roadway on the northern portion of the site and a 12-inch storm drain connector to the 14-inch storm drain. All of the storm drains flow to a 36-inch line in South Main Street.

4.8.1.3 Ground Water

Based on a geotechnical investigation by *Lowney Associates*, the depth to groundwater was found approximately 12 feet below the ground surface. Groundwater has been recorded at seven feet below the ground surface historically, with some seasonal variations.

4.8.1.4 Regulatory Requirements

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the revised 1995 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop National Pollutant Discharge Elimination System Permit application requirements for stormwater runoff. The Program's Municipal NPDES stormwater permit includes provisions requiring regulation of stormwater discharges associated with new development and construction and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

The SWRCB NPDES General Permit for Construction Activities requires Stormwater Pollution Prevention Plans (SWPPPs) to control discharge associated with construction activities for sites 10,000 square feet or larger. Development on such sites is required to submit a Notice of Intent (NOI) to the SWRCB and prepare a SWPPP prior to construction.

The City of Milpitas is a co-permittee to the Santa Clara Valley Urban Runoff Pollution Prevention Program's NPDES permit for municipal storm water discharges, issued by the Regional Water Quality Control Board (RWQCB). The NPDES permit includes requirements for water quality monitoring, identification and elimination of illicit connections and illegal dumping to the storm

drainage system, increases to the municipal storm drainage system and street cleaning and public education programs.

4.8.2 Environmental Checklist and Discussion

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐	1,2,3 15
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)?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3 15
5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐	1,2,3 15
6) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐	1,2,3

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3 13,14
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	☐	1,2,3 13,14
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	☐	1,2,3 13,14
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,2,3 14

4.8.2.1 Flooding Impacts

The proposed project site is located within a 100-year flood zone with a flood depth of one-foot. The flooding hazard in the project area is primarily ponding and overflows of open drainage channels that result in shallow flooding. The City of Milpitas is a participant in the National Flood Insurance Program (NFIP). As a result, flooding hazards within the City are managed under the requirements of the National Flood Insurance Act of 1986 and the Flood Disaster Protection Act of 1973, as amended. Furthermore, the City's Floodplain Management Ordinance prohibits new development from redirecting flood flows or substantially increasing the flood depth of any area.

New development is required to be constructed at an elevation above the base flood under the existing requirements of the National Flood Insurance Program and the City's Floodplain Management Ordinance. The project has been designed to will comply with this requirement. Therefore, the proposed project will not expose people or structures to a significant risk of loss, injury, or death involving flooding and will have a less than significant flooding impact.

4.8.2.2 Water Quality Impacts

Operational Impacts

Implementation of the proposed project would result in an undeveloped 2.72 acre dirt lot being covered with approximately 101,896 square feet of impervious surfaces. The RWQCB requires that a stormwater control plan be implemented for any project replacing or adding 10,000 square feet of impervious surface. To ensure compliance with the requirements of the RWQCB, a stormwater control plan (see Appendix D) was prepared by *BKF Engineers* in accordance with the City of Milpitas Stormwater C.3. Guidebook (adopted October 2005).

Impact HYD – 1: Implementation of the proposed project will increase stormwater runoff from the project site.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Water Quality Policy 4.d.I.1:* Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board.

Specific Development Project Mitigation Measures

In order to comply with the requirements of the RWQCB, the following Best Management Practices (BMPs) are included as part of the proposed project. Future changes to any of the project BMPs are prohibited, unless otherwise reviewed and approved by the City of Milpitas' Director of Public Works.

MM HYD-1.1: **Level I – Source Control.** The source control program for the development will incorporate the following strategies:

- *Education and Outreach.* The storm drain inlets on the project site shall be stenciled "No Dumping – Drains to Bay". In addition, the future homeowners association will provide an orientation to new homeowners on the projects Stormwater Control Plan, non-point source pollution control measures, and secure their written commitment to participate in the plan where applicable.

- *Storm Drain Inlet Cleaning.* The homeowners association shall perform maintenance on privately owned storm drain inlets, which includes the collection and disposal of build-up materials inside the inlets.

- *Trash Collection Areas.* There shall be a centralized common trash collection area for this site. The runoff from this area will drain into the sanitary sewer system.

- *Fire Sprinkler Connections.* Fire sprinkler test water shall drain through the landscaping before entering the storm drain system.

MM HYD-1.2: **Level II – Treatment Control.** The treatment control program from the development will incorporate the following:

- *Vegetated Swale.* A vegetated swale shall be located along the western boundary of the site. This swale will be approximately 120 feet long and

planted with vegetation. It will be graded to promote infiltration and will treat stormwater runoff from the project site. An inlet will be at the low end of the swale to receive surface flows and convey it to the storm drainage system. The swale has been designed to accommodate peak runoff from a 10-year storm event; no bypass system is required.

- *Treatment Control Device.* In areas where stormwater will not pass through some sort of surface treatment (i.e., swales) prior to entering the storm drainage system, hydrodynamic devices shall be installed to provide in-line treatment prior to discharge into the City storm drain system. In addition to providing filtration for runoff, these devices will meter stormwater runoff so that it enters the storm drainage system at a consistent rate, regardless of the flow rate into the devices. The treatment control devices have been designed to accommodate peak runoff from a 10-year storm event. These devices will be maintained by the homeowners association.

MM HYD-1.3: **Monitoring and Maintenance.** The stormwater treatment systems listed above will need adequate routine maintenance to function as designed. The homeowners association shall be responsible for the implementation and/or oversight of the monitoring and maintenance program for this project. To ensure proper function, drain inlets and treatment control devices will need to be cleaned a minimum of once a year and inspected a minimum of two times per year.

Construction Impacts

The proposed project will increase pollutant loads during grading and construction of the new structures. Construction will temporarily increase the amount of debris on-site and grading will increase the potential for erosion and for sedimentation that could be carried by runoff into natural waterways, which will increase sedimentation impacts to Penitencia Creek and San Francisco Bay.

Construction of the proposed project will increase the amount of runoff and could also increase the associated pollution flowing into the storm drain system. However, Provision C.3. of Santa Clara Valley Urban Runoff Pollution Prevention Program's (SCVURPPP) Municipal NPDES stormwater permit requires that all new development projects reduce the pollutant load in project site runoff compared to the current site conditions. As a result, Best Management Practices will be incorporated into the project to reduce the runoff pollutant load below current levels.

Impact HYD - 2: Development could cause a significant temporary increase in the contaminants in storm water runoff during construction.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Water Quality Policy 4.d-I-1:* Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board.

- *Drainage and Flooding Policy 5.b-I-1:* Ensure the new construction or substantial improvements to any existing structure result in adequate protection from hazards. This includes ensuring that: new residential development within the 100-year Flood Zone locate the lowest floor, including basement, above the base flood elevation; and new non-residential development locate the lowest floor, including basement, above the base flood elevation or incorporate flood-proofing and structural requirements as spelled out in the Municipal Code.

Specific Development Project Mitigation Measures

The following measures, based on Regional Water Quality Control Board Best Management Practices, have been included in the project to reduce construction-related and post-construction water quality impacts:

MM HYD-2.1: All unpaved driveways shall be filled with rock to knock mud from truck tires prior to entering City streets. A wash tire system may be employed.

MM HYD-2.2: Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

MM HYD-2.3: Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

MM HYD-2.4: All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

MM HYD-2.5: Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

MM HYD-2.6: All trucks hauling soil, sand, and other loose materials shall be covered and/or all trucks would be required to maintain at least two feet of freeboard.

MM HYD-2.7: All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

MM HYD-2.8: Vegetation in disturbed areas shall be replanted as quickly as possible.

MM HYD-2.9: The Stormwater Permit will be administered by the Regional Water Quality Control Board. Prior to grading of the project site, the applicant shall file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

– Preclude non-stormwater discharges to the stormwater system.

- Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.

- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.

- Perform monitoring of discharges to the stormwater system.

MM HYD-2.10: The project shall submit a copy of the draft SWPPP to the City of Milpitas for review and approval by the Director of Public Works prior to construction of the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

MM HYD-2.11: When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the Regional Water Quality Control Board and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

Ground Water Impacts

Even though the project site is currently undeveloped, the property is not designated as a recharge site for the groundwater aquifers. The proposed project will result in more impermeable surface area than the existing condition, and will not contribute to the recharging of the groundwater aquifers. Implementation of the project site will not interfere with groundwater flow or expose any aquifers. The water supply for the project site will not be met from the groundwater supply (see Section IV.P., *Utilities and Service Systems* for a discussion of water supply) and, as a result, the project will not deplete the existing groundwater supply.

4.8.3 Conclusion

With implementation of the proposed mitigation, the proposed project will have a less than significant impact on hydrology and water quality. **(Less Than Significant Impact)**

4.9 LAND USE

4.9.1 Setting

4.9.1.1 Existing Land Use

The project site is approximately 2.72 acres located within a primarily commercial area of Milpitas, at the intersection of South Main Street and South Abel Street in the City of Milpitas. The site is currently an undeveloped dirt lot and is known to have been undeveloped since 1939.

The entire property is currently designated *General Commercial with a Transit Oriented Development Overlay* and zoned *General Commercial with a Transit Oriented Development Combining District Overlay and Site and Architectural Review Combining District Overlay.*

4.9.1.2 Surrounding Land Uses

The project site is bounded on the north by Penitencia Creek. This section of Penitencia Creek has been relocated from its original alignment and is confined within a man-made, concrete-lined channel with no riparian vegetation. Just north of Penitencia Creek is the 8.19-acre Centria residential housing development which is currently under construction with 464 apartment units in one four-story tower and one five-story tower. Beyond the Centria project site is Great Mall Parkway and the elevated Great Mall/Main light-rail station.

The east boundary of the site is South Main Street, a four-lane roadway that is the major north-south arterial through the City. East of South Main Street is a mixture of commercial and light industrial development. The businesses nearest the project site are two restaurants, an animal hospital, and a tool rental company.

The property narrows near the south property line and ends at the “y” intersection of South Main Street and South Abel Street. South Main Street continues south through the intersection and becomes Oakland Road at the City limits of San José. To the south of the intersection are single-family residences (west of South Main Street) and commercial and light industrial buildings (east of South Main Street).

West of the site is a two-story, L-shaped neighborhood commercial building that houses a variety of small businesses. The commercial building is set back approximately 20 feet from the eastern property line. Between the commercial building and the east property line (delineated by a chain-link fence) is a maintenance walkway and abundant landscaping including large shrubs and evergreen trees. There is no public outdoor use area, loading zones, or other business related uses in the setback area.

West of the commercial building is South Abel Street, which is also a four-lane roadway. South Abel Street begins at its intersection with South Main Street and runs parallel to South Main Street through the City. West of South Abel Street is a single-family neighborhood comprised of one- and two-story houses.

Aerial Photograph-Figure 5

2. Environmental Checklist and Discussion

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1,2,3

The project is being rezoned from *C-2-TOD-S, General Commercial with Transit Oriented Development* to *R4-TOD-S, Multi-Family Very High Density Residence District with Transit Oriented Development*, which permits high density residential and mixed use development. The land use designation for the project site is also being changed from *General Commercial with a Transit Oriented Development Overlay* to *Multi-Family High Density Residential with a Transit Oriented Development Overlay*. The proposed project is the development of up to 126 residential units (at 46 DU/AC) and 2,700 square feet of retail space. Minimum setbacks include approximately 20 feet from western property line (within this 20-foot setback will be a landscaped area), approximately 10 feet from the northern property line, and approximately 10 feet from the eastern and southern property lines.

4.9.2.1 Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of there circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and its severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety. The discussion below distinguished between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.

4.9.2.2 Land Use Impacts

Implementation of the proposed project will result in an undeveloped lot being developed with up to 126 multi-family residential units and 2,700 square feet of retail. The proposed residential land use is compatible with the residential neighborhoods to the west and south and the residential development currently under construction to the north of the site because they are all residential land uses. The adjacent and nearby commercial and retail businesses are land uses that can commonly be found adjacent to residential neighborhoods throughout the City of Milpitas and Santa Clara County. A multi-family development was recently approved by the City and is under construction directly north of the project site indicating that the area is generally suitable for high density residential development.

Conformance with the following General Plan policies and Midtown Specific Plan land use goals will reduce or avoid impacts:

- *Guiding Principle 2.a-G-1:* Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.
- *Guiding Principle 2.a-G-3:* Maintain a relatively compact urban form.
- *Guiding Principle 2.a-G-6:* Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses.
- *Guiding Principle 2.a-I-2:* Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- *Guiding Principle 2.a-1-22:* Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages
- *Guiding Principle 2.a-I-23:* Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.

<u>Midtown Specific Plan Land Use Goals</u>

- Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.
- Provide for a significant component of new housing within the area in order to: improve vitality of the Midtown Area, address local and regional housing needs, and reinforce the use of transit.
- Promote an intensity of development in Midtown that is appropriate to its central location.
- Provide for a land use mix that supports major transit facilities.

4.9.3 Conclusion

Implementation of the proposed project will have a less than significant land use impact. **(Less Than Significant)**

4.10 MINERAL RESOURCES

4.10.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the inland sea that had previously inundated this area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources.

The project site is located at the intersection of South Main Street and South Abel Street in Milpitas which is not within any designated mineral deposit area of local or regional significance. The site does not contain any known mineral resources.

4.10.2 Environmental Checklist and Discussion

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☐	☒	☐	1,2,3
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?	☐	☐	☐	☒	☐	1,2,3

The project would not result in the loss of availability of a known mineral resource, and would not result in impacts to mineral resources.

3. Conclusion

The project would not result in any impacts from the loss of availability of known mineral resources. **(No Impact)**

4.11 NOISE

The following discussion is based upon a noise analysis prepared for the project by *Charles M. Salter Associates, Inc.* in February 2006. A complete copy of the noise analysis is provided in Appendix E of this report.

4.11.1 Setting

4.11.1.1 Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuations in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set criteria or planning goals to minimize or avoid these effects. Noise guidelines and standards are almost always expressed using a noise averaging method such as $\mathbf{L_{eq}}$, $\mathbf{L_{dn}}$, or **CNEL**.[8] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher and specific moments when noise levels are lower. For this report, the L_{dn} will be used because it is consistent with the guidelines for the City of Milpitas and the State of California.

4.11.1.2 Regulatory Background – Noise

The State of California and the City of Milpitas establish guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. The State of California Building Code and the Noise Element of the City's General Plan include the following applicable criteria:

Section 1208 of the 1998 California Building Code. New multi-family housing in the State of California is subject to the environmental noise limits in Chapter 1208A.8.4 of the California Building Code. The noise limit is a maximum interior noise level of 45 L_{dn} (same as DNL). Where exterior noise levels exceed 60 $L_{dn,}$ a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

[8] $\mathbf{L_{eq}}$ stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. $\mathbf{L_{dn}}$ (also known as DNL) stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. **CNEL** stands for Community Noise Equivalent Level; it is similar to the L_{dn} except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and L_{dn} are typically within two (2) dBA of the peak-hour L_{eq}.

City of Milpitas General Plan. The Noise Element of the City of Milpitas General Plan identifies noise and land use compatibility standards for various land uses. The City's goal is to "Maintain land use compatibility with noise levels similar to those set by State guidelines."

Residential land uses are considered "normally acceptable" with an exterior day/night noise level of up to 60 dBA L_{dn} based on the assumption that buildings will use normal or conventional construction, without any special noise insulation. Residential land uses are considered "conditionally acceptable" with an exterior day/night noise level of up to 70 dBA L_{dn}. At this level new construction or development should be undertaken only after a detailed noise analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Where exterior noise levels exceed 60 dBA L_{dn}, habitable rooms of new multi-family residential developments are required to have an interior noise level of 45 dBA L_{dn} or less. In the City of Milpitas an exterior day/night noise level above 70 dBA L_{dn} is conditionally acceptable for residential development and a noise level above 75 dBA L_{dn} is unacceptable.

For common exterior open space areas of multi-family residential projects, levels up to 65 dBA L_{dn} are "normally acceptable" and exterior noise levels up to 70 dBA L_{dn} are considered "conditionally acceptable."

4.11.1.3 Existing Noise Conditions

As described previously, the site is located in an urbanized area of Milpitas and is currently undeveloped. Noise sensitive receptors in the area include the approved residential to the north and the existing residential neighborhood to the west and south of the site.

Noise Sources

The dominant source of noise in the project site area is vehicular traffic, particularly along South Main Street and South Abel Street. Other lesser environmental noise sources may include noise from aircraft overflights, infrequent train operations along the Union Pacific railway line east of the site, and light rail train activity north of the site. While the site is near the general flight path of the Norman Y. Mineta San José International Airport, aircraft flying overhead are not a substantial source of noise. The project site is not within the existing or projected future 60 L_{dn} contour of the airport.

Noise Level Measurements

In order to quantify the existing noise levels at the site, two 48-hour and two short-term noise measurements were taken at two locations. Location 1 was approximately 38 feet northeast of the South Abel Street median centerline, and location 2 was approximately 38 feet west of the South Main Street centerline.

The existing day-night average noise level (L_{dn}) at measurement location 1 was calculated to be 70 dBA. According to the site plan (refer to Figure 3), the planned minimum setback for the homes proposed along South Abel Street is approximately 45 feet from the centerline of the roadway. Future noise levels along the surrounding roadways are estimated to increase by about one decibel assuming a growth rate of one to two percent per year over the next 10 to 20 years. Including the one decibel noise increase, future exterior noise levels at the building face would be approximately 71 dBA $L_{dn.}$

The existing noise level at measurement location 2 (South Main Street) is approximately 69 dBA L_{dn}. Exterior noise levels at the proposed buildings face are approximately 69 dBA DNL for the units nearest South Main Street.

The Union Pacific railway tracks are on the east side of South Main Street behind the commercial uses facing the roadway. The infrequent train operations along the railway line are noticeable at the northeast corner of the project. Elevated light rail and light rail stations are also located approximately one-quarter mile to the north of the project site. The intermittent passing of light rail trains is noticeable at the location proposed for some of the units.

4.11.2 Environmental Checklist and Discussion

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☒	☐	☐	☐	1,2,3 13
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐	1,2,3 13
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1,2,3 13
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	☐	1,2,3 13
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?	☐	☐	☐	☒	☐	1,2,3

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
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?	☐	☐	☐	☒	☐	1,2,3

4.11.2.1 Noise Exposure Impacts to the Project

Exterior Noise

The City of Milpitas General Plan established a short-term goal of 65 dBA L_{dn} for outdoor activity areas adjacent to residences. Based on recent noise measurements taken on the project site and future estimated traffic noise levels, it is estimated that future residents will be exposed to exterior noise levels of 69 decibels at approximately 50 feet from the centerline of South Main Street and 71 decibels at approximately 55 feet from the centerline of South Abel Street.

The two outdoor common open space areas are proposed within the interior of the project site and would be shielded from traffic noise by the surrounding residential units. The proposed three store residential units reduce the noise level on the street frontage by more than six dBA. As a result, the noise levels in the proposed common open spaces would not exceed the noise standard identified as acceptable in the City's General Plan.

The private open spaces proposed for the project would be balconies for residences facing South Main Street and South Abel Street. While these private open space areas would be exposed to noise levels in excess of 65 dBA, residents have the option of using the common open space areas of the project site, which will be within the acceptable noise range for outdoor use areas. The communal open space areas on-site will total approximately 0.74 acres. The project is required to provide 0.48 acres of non-public open space. Therefore, the project meets the private open space requirement without the inclusion of the balconies facing Able Street and South Main Street and having balconies with ambient noise levels in excess of acceptable City standards is a less than significant impact.

The project proposes a retail plaza area at the corner of Able Street and South Main Street. Depending on the type of retail establishments that occupy the site in the future, the area may provide outdoor seating for customers. As stated above, ambient noise levels in this area range from 69 to 71 dBA. While these noise levels may be considered a nuisance by some customers, the City has no established noise compatibility threshold for public outdoor seating areas associated with retail establishments. For this reason, implementation of the proposed project would not result in a significant impact on exterior public use areas.

Interior Noise

For new attached residential units, average interior noise levels cannot exceed 45 dBA pursuant to the noise standard established by the State Building Code and the City of Milpitas. Standard construction methods typically reduce interior noise levels 15 dBA (with windows open) to 25 dBA (with windows closed) compared to exterior noise levels. Where exterior noise levels exceed 60 dBA, such as the proposed project site, standard construction is not sufficient to reduce interior noise levels to state standards and additional measures such as sound rated windows and forced air ventilation must be included.

Based on the proposed site plan, residential buildings will be located a minimum of 45 feet from the centerline of South Main Street and South Abel Street. At 50-55 feet from the centerline, the exterior noise level would be approximately 69 to 71 dBA which could result in interior noise levels in excess of 45 dBA. Pursuant to the State Building Code, residences within 75 feet of the centerline of South Main Street and South Abel Street will be equipped with mechanical ventilation[9] to allow windows to be closed at the residents' discretion to reduce interior noise levels to 45 dBA L_{dn} or less. With the inclusion of mechanical ventilation, implementation of the proposed project will not expose future residents to unacceptable interior noise levels.

Impact NOI-1: Future residents would be exposed to exterior noise levels grater than 60 dBA DNL which exceeds the noise and land use compatibility standards presented in the City of Milpitas's General Plan. Interior noise levels would be expected to exceed 45 dBA DNL.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Noise Policy 6-I-1:* Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) as review criteria for development projects.
- *Noise Policy 6-I-2:* Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally acceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- *Noise Policy 6-I-5:* All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- *Noise Policy 6-I-7:* Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.

[9] Mechanical ventilation would be air conditioning that would allow for the regulation of the interior temperature without having to open any windows.

Specific Development Project Mitigation Measures

MM NOI-1.1: Project-specific acoustical analyses are required to insure that interior noise levels will be reduced to 45 dBA L_{dn} or lower. Building sound insulation requirements shall need to include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to South Main Street and South Abel Street. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower.

4.11.2.2 Project-Generated Traffic Noise Impacts

A substantial noise increase would occur if the project results in an increase of 3 dBA or greater at nearby sensitive land uses. Traffic volumes must double for noise levels to increase by 3 dBA. Based on the project traffic report, the proposed project would generate approximately 1,166 daily trips, which is not enough to double traffic volumes on South Main Street or South Abel Street. Once construction of the proposed project is complete, the project will not generate noise levels that will adversely impact the nearby residential neighborhood.

Traffic generated by the proposed residential development would not result in significantly increased traffic noise on the roadway network. (Less Than Significant Impact)

4.11.2.3 Short-Term Construction Impacts

Construction of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 decibels measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six decibels per doubling of distance between the source and receptor. Construction equipment would be located near adjacent residences, and the noise from construction would likely be an annoyance to these land uses. Due to the proximity of the sensitive receptors, this would be a significant temporary impact.

Impact NOI-2: The project site is bordered by existing residential land uses to the south, and commercial uses to the east and west. Noise generated by construction activities would have a significant temporary impact on nearby sensitive receptors.

Mitigation Measures:

General Plan Policies

The programs and policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development on-site will be subject to General Plan programs and policies, including the following:

- *Noise Policy 6-I-13:* Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact.

Specific Development Project Mitigation Measures

MM NOI-2.1: Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends.

MM NOI-2.2: The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.

MM NOI-2.3: The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.

MM NOI-2.4: The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to all complaints about noise and take the necessary steps to reduce the problem.

4.11.3 Conclusion

With implementation of the above mitigation and standard measures and General Plan Policies, the proposed project would not result in significant noise impacts. **(Less Than Significant Impact with Mitigation)**

4.12 POPULATION AND HOUSING

4.12.1 Setting

The jobs/housing ratio quantifies the relationship between the number of housing units required to house the local workforce and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

According to the Association of Bay Area Governments (ABAG) *Projections 2005*, the population in 2000 within the City of Milpitas's Sphere of Influence was 62,810 people in 17,167 households. For 2020, the projected population is 82,400 in 22,740 households. The average number of persons per household in Milpitas in 2000 was 3.47, an average which is projected to remain consistent though the year 2020.

The City of Milpitas is a job-rich city, and one of the fastest growing employment centers in Santa Clara County. Although Milpitas had a deficiency of jobs per employed resident in 1980, the City achieved a ratio of 1.34 jobs per employed resident in the year 2000. Despite this increase in jobs, only 21% of the workers in Milpitas actually live in the City.[10]

The proposed project would construct up to 126 residential units on the 2.75 acre site. Based on an estimate from the City of Milpitas, the average household size in the City is 2.69 persons per household. Therefore, the proposed project could provide housing for approximately 339 residents.

The increase of more than 330 residents would add to the City's population by approximately 0.005 percent. This increase represents an incremental portion of the 19,590 new residents in Milpitas predicted by the year 2020 in the report *Projections 2005*.

4.12.2 Environmental Checklist and Discussion

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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)?	☐	☐	☒	☐	☐	1,2,3
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3

[10] Milpitas General Plan, Land Use Element, 2.3. March 19, 2002.

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,2,3

Socio economic impacts are not considered environmental impacts, as defined by CEQA Guidelines Section 15131. The physical impacts, however, associated with the relationship between employment and housing include traffic, noise, and air quality impacts. These issues are discussed within their respective sections of this report.

The proposed development of the site with up to 126 residential units would not induce substantial population growth, nor would it displace existing housing or people. The proposed project would create additional residential development and will incrementally improve the jobs/housing balance in the City. Providing housing for more of the City's workers will help to ease overall traffic congestion, commute times, and regional air pollution levels. The population increase from the proposal represents a less than significant impact.

Since the project site is not developed, the proposed project will not displace existing housing or people.

Implementation of the proposed project would help improve the City's jobs/housing imbalance resulting in a beneficial impact.

4.12.3 Conclusion

Development of the proposed residential project would not create substantial new population growth and it would have a beneficial impact on the City's adverse jobs/housing imbalance. The proposed project, therefore, would not result in significant population or housing impacts. **(Less Than Significant Impact)**

4.13 PUBLIC SERVICES

4.13.1 Setting

4.13.1.1 Police Services

Police protection services would be provided to the project site by the City of Milpitas Police Department (MPD). Services are provided from one central station, located at 1275 North Milpitas Boulevard. The Department employs 95 sworn officers and operates 26 marked patrol cars.

The average response time within the City is approximately four minutes and 40 seconds. Highest priority is assigned to emergency calls where life-threatening conditions occur. The target response time for such emergency calls is three minutes. Currently, the average police response time for non-emergency calls within the City is estimated to be approximately five minutes.

4.13.1.2 Fire Services

Fire protection on the project site would be provided by the City of Milpitas Fire Department, which has four fire stations and an administration facility. The Milpitas Fire Department (MFD) is responsible for emergency medical services, rescue services, hazardous and toxic materials emergency response, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of state and federal hazardous materials regulations, and investigation of fire cause, arson and other emergency events for cause and origin.

The closest fire station to the site is Station No. 1, located at 25 West Curtis Avenue, approximately one-half mile southeast of the site. Station No. 1 is typically staffed with three to four personnel.

Fire Station No. 4 is located at 775 Barber Lane, and the Fire Department's headquarters is located next to this station at 777 South Main Street, approximately 0.7 miles from the project site.

The emergency response time goal of the Fire Department is to deploy one engine to the scene of an emergency within four minutes. The Department's average response time to all calls is currently below the four minute response time goal.

The City also receives mutual fire aid from other municipalities under the Santa Clara County Mutual Aid Plan and Bay Area Intercounty Fire Mutual Aid Plan for Local Resources. The San José Fire Department and/or the Fremont Fire Department provide mutual aid to Milpitas in emergencies.

4.13.1.3 Schools

The project site is located within the Milpitas Unified School District (MUSD). The district serves 9,368 students in grades kindergarten through 12, with nine elementary schools, two middle schools, and two high schools.[11]

The nearest elementary school is Pearl Zanker Elementary School, located at 1585 Fallen Leaf Street, approximately 0.4 miles south of the project site on the west side of Main Street. The nearest middle

[11] Milpitas Unified School District. *Index of Schools*. May 12, 2006. http://www.musd.org.

school is Rancho Milpitas Middle School, located at 1915 Yellowstone Ave., approximately 3.2 miles east of the project site. The nearest high school is Calaveras Hills High School, located at 1331 E. Calaveras Blvd, approximately 2.8 miles northeast of the project site.

4.13.1.4 Parks and Recreation

The City of Milpitas provides 161.43 acres of City-owned park and recreation facilities to its citizens,[12] in addition to the 1,539 acres of Ed Levin County Park, which is a regional park that is also within the City's boundaries.

The nearest park to the project site is Pinewood Park, located at the intersection of Lonetree and Starlite Drive, approximately 0.4 miles southeast of the project site. Pinewood Park is an 8-acre park with tennis courts, a tot lot, barbecue pits, a basketball hoop, and picnic tables

4.13.1.5 Libraries

Milpitas is served by the Santa Clara County Library System, which consists of eight libraries and one bookmobile. The Santa Clara County Libraries are governed by the Joint Powers Authority, which is comprised of one City Council member from each of the eight member City jurisdictions and two members from the Santa Clara County Board of Supervisors. Property taxes pay for more than half the cost of operating the Library. In addition to the property tax, property within the district is also assessed for enhanced service through a County Service Area.

The project area is served by the Milpitas Library, located at 40 North Milpitas Boulevard. The Milpitas library provides programs and services for adults, teens, and children, an online public access catalog, CD-ROM and online data bases, Internet access, over 200,000 volumes, audio and video cassettes, DVDs and magazines.

The Milpitas Library has approximately 50,000 visitors per month and circulates approximately 116,000 items a month. The City completed a *Library Needs Assessment* in June 2002. The assessment reviewed the use of the existing facilities, benchmark library size, staffing, and operations with comparable libraries, and assessed the community's library needs. The assessment compared the Milpitas Library with nine other libraries and concluded that the Milpitas Library is deficient in areas such as square footage and collection size.

[12] City of Milpitas General Plan Open Space Element, 2001. http://www.ci.milpitas.ca.gov/citydept/planning/general_plan/ch4.pdf.

4.13.2 Environmental Checklist and Discussion

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3
Police Protection?	☐	☐	☒	☐	☐	1,2,3
Schools?	☐	☐	☒	☐	☐	1,2,3
Parks?	☐	☐	☒	☐	☐	1,2,3
Other Public Facilities?	☐	☐	☒	☐	☐	1,2,3

4.13.2.1 Fire and Police Service

The proposed project will be required to conform to current fire and building codes, including features that would reduce potential fire hazards and appropriate safety features to minimize criminal activity. The project design shall be reviewed by the MFD and MPD to ensure conformance with current codes.

Although the proposed project would incrementally increase demand for fire and police emergency services, it will not require the development of new facilities and, therefore, will not result in a significant physical impact on the environment.

4.13.2.2 Schools

Using the MUSD student generation rate of 0.25 students per multi-family dwelling unit, the proposed residential units would generate approximately 32 students. Based on MUSD's capacity and current enrollment, the district would be able to accommodate students generated from the proposed project (see Table 2).

TABLE 2 Local School Capacity		
School	**Capacity**	**2006 Enrollment**
Pearl Zanker Elementary	605	463
Rancho Milpitas Middle School	861	676
Milpitas High School	3312	2945

The project would add additional residents to the project area, and therefore, would increase the demand for local schools. The addition of 32 students in grades K-12, however, will not require the construction or expansion of local school facilities.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. The proposed project would increase the number of school children attending public schools in the project area, but would mitigate its impact through compliance with state law regarding school mitigation.

4.13.2.3 Parks

The Milpitas Midtown Specific Plan sets standards for new park and recreation facilities within the Midtown Specific Plan area. For new developments within the Midtown Specific Plan Area, 3.5 acres of public and private park space are required per 1,000 residents. Up to 1.5 acres per 1,000 residents can be developed as usable on-site common and/or private open space within new residential developments, and the remaining 2.0 acres must be developed as public parkland.

Based on a projected population increase of 339[13] residents by the development of the project, approximately 1.11 acres of new parkland (0.64 public acres and 0.48 private acres) will be required to serve the proposed project consistent with City policies. The project is proposing 0.74 acres of usable common open space and 0.20 acres of private open space (balconies). For residential developments within the Midtown Specific Plan area, private open space includes patios and balconies. The total private open space provided would equal 0.94 acres, which exceeds the City's requirement of 0.48 acres. The project proposes zero acres of public open space. The City offers a park in-lieu fee for projects which do not meet parkland requirements. The developer is required to pay a park in-lieu fee if the proposed project does not meet the parkland requirement. As a result, the developer will be required to pay in-lieu fees equal to the value of 0.64 acres of land in Milpitas. The average value of one acre of land in Milpitas (2006) is $2,199,780.

4.13.2.4 Libraries

The County plans to demolish the existing library and rebuild a new, 60,000 square foot library at the historic Milpitas Grammar School site, located at 160 North Main Street, in the Midtown

[13] Based on an estimate by the City of Milpitas of 2.69 persons per unit.

redevelopment area. Construction is slated to begin in January 2007 and the library is expected to open in 2009.

The development of the proposed project would add up to approximately 338 additional residents to the City of Milpitas. An increase in residential development will result in an incremental increase in need for library services. It is not anticipated, however, that the proposed project would require the construction of a new library facility, other than that already proposed and planned for by the City.

4.13.3 Conclusion

The proposed project would incrementally increase demand for public services and facilities within the City. The project would not result in substantial adverse physical impacts associated with a need for new facilities in order to maintain acceptable levels of service or performance objectives for public services. **(Less Than Significant Impact)**

4.14 RECREATION

4.14.1 Setting

As described in the previous section, the City of Milpitas manages approximately 161.4 acres of neighborhood and community parkland. The City provides developed parklands, open space, and community facilities to serve its residents. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Recreation Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a service level goal of five acres of neighborhood and community serving parkland per 1,000 residents outside of the Midtown Specific Area and 3.5 acres within the Midtown Specific Area. This requirement can be fulfilled through land dedication or through equivalent in-lieu fees. Up to 2.0 acres per 1,000 residents can be developed as usable on-site common or private open space within new residential developments, and the remaining three acres must be developed as public parkland.[14]

There is one park located within the site area: Pinewood Park is 8 acres in size and is located along Lonetree and Starlite Drive, approximately 0.4 miles southwest of the site. A larger conglomeration of three neighborhood parks (Parc Metro East, Middle and West) is located approximately 1.1 miles north of the project site at Parc Metro and Curtis, east of Main Street.

In addition to neighborhood parks, community recreation services are available throughout the City. These include the Milpitas Community Center located at 457 E. Calaveras Boulevard, the Milpitas Sports Center located at 1325 E. Calaveras Boulevard, and the Milpitas Teen Center also located at 1325 E. Calaveras Boulevard.

4.14.2 Environmental Checklist and Discussion

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1,2,3

[14] City of Milpitas General Plan Open Space and Conservation Element, 2002. Policy 4.a-I-2.

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
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?	☐	☐	☒	☐	☐	1,2,3

Future residents of the proposed project site would use recreational facilities in the area. Given the small size of the project and the existing recreational facilities in the area, the project would not create significant new demand for recreational services or facilities. The proposed project will also provide 0.74 acres of public open space, 0.20 acres of private open space, a fitness center, a swimming pool, and a community recreation room for private events.

Given the number of parks and recreation facilities in the area, the small number of residents generated by the proposed project, and the project's proposed on site recreational facilities and open space, the project is not anticipated to significantly impact park facilities or require construction of new facilities.

4.14.3 Conclusion

The proposed project would incrementally increase the demand for recreational services in the area. However, because of the existing recreational facilities in the project areas and the open space proposed by the project, the project would not result in significant adverse impacts to recreational facilities. **(Less Than Significant Impact)**

4.15 TRANSPORTATION

The information provided in this section is based on a traffic analysis prepared by *Hexagon Transportation Consultants* in April 2006. The complete traffic report is provided in Appendix F.

4.15.1 Setting

4.15.1.1 Existing Roadway Network

The existing roadway network serving the project area includes regional facilities, such as freeways and expressways, as well as a grid pattern of local roadways such as arterials, collectors, and local streets. Regional and local access to the project site is provided via the streets described below.

Regional Access

Regional access to the project site is provided via I-880, I-680, and SR 237/Calaveras Boulevard. These roadways are described below.

I-680 is a north/south freeway traversing the eastern portion of Milpitas. This freeway connects the inland East Bay communities to the north with San José to the south. I-680 has six mixed flow lanes north of SR 237 and eight mixed flow lanes south of SR 237. A southbound High Occupancy Vehicle (HOV) lane is currently in operation north of Calaveras Boulevard.

I-880 is a north/south freeway providing regional access from East Bay cities to San José, where it becomes SR 17. Within the City of Milpitas, I-880 is a six-to-eight lane freeway. The initial construction phases of the SR 237/I-880 interchange have recently been completed. South of Montague Expressway, I-880 has recently been widened to six lanes.

State Route 237/Calaveras Boulevard is an east/west arterial between I-880 and I-680 and generally provides six travel lanes (four on the Union Pacific overcrossing). West of I-880, this roadway becomes a freeway with four mixed flow lanes and two High Occupancy Vehicle (HOV) lanes. Calaveras Boulevard accommodates a significant amount of regional through traffic during the peak commute hours. Milpitas staff estimate that approximately 50 percent of the peak hour traffic between I-680 and I-880 is generated outside of Milpitas. The predominate direction of travel is westbound in the morning and eastbound during the afternoon.

Local Access

Local access to the site is provided by Great Mall Parkway, South Main Street and South Abel Street. These roadways are described below.

Great Mall Parkway is an east/west arterial located just south of the Great Mall. Great Mall Parkway generally provides three travel lanes in each direction (east and west) with a median dividing the roadway. The Alum Rock/Santa Teresa light rail line runs along the median from west of I-880 and becomes elevated above the median just east of I-880. The elevated LRT is located at Great Mall Parkway and Main Street just north of the project site. The peak direction of travel is westbound in the morning, and eastbound in the evening.

Main Street is a four-lane, north/south arterial connecting Calaveras Boulevard to the north and San José via Montague Expressway to the south. Main Street primarily serves as access to the Great Mall and the Main Street business district.

South Abel Street is a four-lane, north/south arterial extending from North Milpitas Boulevard to South Main Street. East of I-880, South Abel Street terminates at South Main, at the project site.

Montague Expressway is an east/west expressway in southern Milpitas that generally provides six travel lanes. It is operated by the Santa Clara County Roads and Airports Department. The peak direction of travel is westbound in the morning, and eastbound in the evening. This facility also provides HOV lanes both during the AM peak hours in the westbound direction and PM peak hours in the eastbound direction. Montague Expressway is a designated Congestion Management Plan (CMP) regional facility that experiences moderate congestion during both commute periods.

4.15.1.2 Existing Bus Transit Service

The Santa Clara Valley Transportation Authority (VTA) operates most public transit in Santa Clara County. The Great Mall Transit Center is located approximately ¼ mile north of the project site, just on the northern side of the Great Mall Parkway. The Great Mall Transit Center is a regional transit hub serving several local and commuter VTA bus routes as well as AC Transit routes serving the East Bay.

Route 77 provides service between the Eastridge Shopping Center and the Great Mall via King and McCandless. Bus Route 77 operates with 30-minute headways during weekday peak hours and between 30-minute and one hour headways during the weekend.

Route 33 provides service between Tasman and First in San José and the Great Mall Transit Center via Highway 237 and Great Mall Parkway. Route 33 operates with approximately 30 minute headways during weekday and weekend peak hours and one hour headways during off-peak hours.

Route 47 provides service between Washington and Escuela via Park Victoria in Milpitas and the Great Mall Transit Center via Park Victoria and Calaveras. Headways are approximately 25-35 minutes during weekday and weekend peak hours, and approximately 45 minutes during weekday and weekend off-peak hours.

Route 46 provides service between Washington and Escuela in Milpitas and the Great Mall Transit Center via Yellowstone. Headways are approximately 25-30 minutes during weekday and weekend peak hours, and approximately 45 minutes during weekday and weekend off-peak hours.

Route 66 provides service between Santa Teresa Hospital in San José and Dixon Landing Road in Milpitas via Snell, First Street, Hedding, Main Street, South Abel Street, Milpitas High School and Russell Middle School. Route 33 operates at approximately 15-20 minute headways during weekday peak hours, 30 minute headways during weekend peak hours, and 30-60 minute headways during off-peak weekday and weekend hours.

Route 70 provides service between the Capitol LRT station in San José and the Great Mall Transit Center via Capitol, King, Jackson, Hostetter, Morrill and Montague. Route 33 operates with approximately 15-20 minute headways during weekday peak hours, 20 minute headways during

weekend peak hours, 45 minute headways during off-peak weekday hours, and 60 minute headways during off-peak weekend hours.

Route 71 provides service to the Eastridge shopping mall in San José and the Great Mall Transit Center via Quimby, White and Montague. Headways are approximately 30 minutes during weekday and weekend peak hours, and approximately 45 minutes during weekday and weekend off-peak hours.

Route 104 provides express service between Penitencia Creek Transit Center in San José, Great Mall Transit Center and Palo Alto via Montague, Main, Abel, Highway 237, Highway 101, Old Middlefield Road and Page Mill Road. There are three eastbound and three westbound runs during weekday peak AM and PM hours only.

Route 140 provides express service to Fremont BART, Great Mall Transit center, Great America and Sunnyvale via Mission Boulevard, Highway 680, Great Mall Parkway, Tasman, Old Ironsides, Scott and Fair Oaks. Express service operates during weekday AM and PM peak hours, offering five northbound and five southbound runs.

Route 180 provides express service to Fremont BART, the Great Mall Transit Center, and San José Diridon station via Highway 680, Great Mall Parkway, First Street, and San Fernando. Route 180 operates with approximately 20 minute headways during weekday peak hours, 30 minute headways during weekend peak hours, 60 minute headways during off-peak weekday hours, and 60 minute headways during off-peak weekend hours.

Route 321 provides limited service between the Great Mall Transit Center and the Lockheed Martin campus in Sunnyvale via Great Mall Parkway, Montague Expressway and Lawrence Expressway. Limited service is offered on weekdays only, with three westbound runs during the AM peak, and three eastbound runs during the PM peak.

4.15.1.3 Existing Light Rail Transit (LRT) Service

VTA currently operates the 30.5-mile VTA LRT system extending from southern San José through downtown to the northern areas of Milpitas, San José, Santa Clara, Mountain View, Campbell and Sunnyvale. Service operates 24 hours a day, with trains arriving every 15 minutes during the peak usage periods, and carries over 22,700 riders on an average weekday. The Alum Rock/Santa Teresa LRT line runs north of the site parallel to Great Mall Parkway. The closest LRT station is the Great Mall Station, which is an elevated station. The Alum Rock/Santa Teresa LRT line provides a links to other VTA LRT lines, Caltrain, ACE Train, and the Capitol Corridor.

4.15.1.4 Existing Bicycle and Pedestrian Facilities

According to the City of Milpitas Bikeway Master Plan and the Valley Transportation Agency (VTA) Santa Clara Valley Bikeways Map, there are a few city designated bikeways within the vicinity of the project site.

- Main Street has Class II bicycle lanes from Calaveras Boulevard to Montague Expressway, running north and south. Main Street has a Class III bike route from Calaveras Boulevard north to South Abel Street.

- South Abel Street has a Class I bicycle lane from Great Mall Parkway to just south of Calaveras Boulevard. Bikeways are planned along South Abel Street south of Great Mall Parkway and north of Calaveras Boulevard.

- Great Mall Parkway has Class II bicycle lanes within Milpitas City limits.

Sidewalks are found along virtually all previously-described local roadways in the study area and along the commercial streets and collectors near the site.

Bicycle facilities in the area include striped bicycle lanes on roadways and bicycle corridors, which are identified corridors between jurisdictions. Class II bikeways are provided on South Main Street in the site vicinity. Class II bikeways are bicycle lanes on the edge of roadways reserved for the exclusive use of bicycles, so designated with special signing and pavement markings.

Pedestrian facilities in the site area consist primarily of sidewalks and crosswalks at intersections with pedestrian push-buttons.

4.15.1.5 Existing Intersection Operations

Methodology

Traffic conditions at the study locations were evaluated using level of service (LOS). Level of service is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The correlation between average delay and level of service is shown in Tables 3 and 4.

TABLE 3
Signalized Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[15]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C/ ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.0 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

[15] Measured in Seconds.

TABLE 4 Unsignalized Intersection Level of Service Definitions Based on Delay		
Level of Service	**Description**	**Average Control Delay per Vehicle[16]**
A	Operations with very low delay occurring with favorable progression.	10.0 or less
B	Operations with low delay occurring with good progression.	10.1 to 20.0
C	Operations with average delays resulting from fair progression.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C/ ratios.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. This is considered to be the limit of acceptable delay.	55.0 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation and poor progression.	Greater than 80.0

Existing Intersection Level of Service

The City of Milpitas considers intersection operations of LOS D or better to be acceptable. The CMA identifies LOS E or better as acceptable for regional intersections identified in the adopted CMP.

Analysis of the existing intersection operations found that, the two of the study intersections currently operate at an unacceptable LOS. The results of the analysis under existing conditions are summarized in Table 5. Intersections operating at an unacceptable LOS are shown in bold print.

TABLE 5 Existing Intersection Levels of Service				
Intersection	**AM Peak Hour**		**PM Peak Hour**	
	Delay	**LOS**	**Delay**	**LOS**
I-880-SB Ramps/Tasman Drive	19.6	B	16.0	B
I-880-NB Ramps/Great Mall Parkway	36.2	D	37.4	D
S. Abel Street/Great Mall Parkway	34.4	C	34.8	C
S. Main Street/Great Mall Parkway	24.5	C	38.2	D
McCandless Drive/Great Mall Parkway	15.1	B	22.9	C
E. Capitol Ave/Montague Expwy*	45.0	D	64.7	E
S. Abel Street/Capitol Avenue	20.5	C	18.7	B
S. Abel Street/S. Main Street	13.5	B	8.8	A
S. Main Street/Montague Expwy*	**41.7**	**D**	**100.6**	**F**
Montague Expwy/Trade Zone Blvd*	**35.0**	**C**	**88.7**	**F**
** denotes a CMP Intersection*				

Background Conditions

For the purpose of this analysis, it is assumed that the future near-term roadway network and intersection lane configuration under existing conditions would be same as the existing roadway

[16] Measured in Seconds.

network, with one exception. The following intersection improvements are planned under background conditions as part of the City of Milpitas Capital Improvement Project.

- South Main Street and Montague Expressway: a second southbound left-turn lane will be added to the intersection.
- I-880 northbound ramps and Great Mall Parkway: a southbound left-turn lane will be added to the intersection.
- Main Street and Abel Street: the existing separate westbound right-turn lane on Main Street will be eliminated.

Background peak-hour traffic volumes were calculated by adding estimated traffic from approved but not yet constructed development to the existing conditions.

Background Intersection Level of Service

Analysis of the background intersection operations found that four of the study intersections will operate at an unacceptable LOS with the addition of background traffic. The results of the analysis under background conditions are summarized in Table 6. Intersections operating at an unacceptable LOS are shown in bold print.

TABLE 6
Background Intersection Levels of Service

Intersection	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
I-880-SB Ramps/Tasman Drive	22.2	C	36.0	D
I-880-NB Ramps/Great Mall Parkway	47.2	D	**59.6**	**E**
S. Abel Street/Great Mall Parkway	40.4	D	38.9	D
S. Main Street/Great Mall Parkway	25.5	C	36.9	D
McCandless Drive/Great Mall Parkway	15.3	B	21.6	C
E. Capitol Ave/Montague Expwy*	67.2	E	**93.7**	**F**
S. Abel Street/Capitol Avenue	20.0	C	17.7	B
S. Abel Street/S. Main Street	13.2	B	8.8	A
S. Main Street/Montague Expwy*	54.4	D	**129.1**	**F**
Montague Expwy/Trade Zone Blvd*	41.5	D	**117.8**	**F**

** denotes a CMP Intersection*

4.15.2 Environmental Checklist and Discussion

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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)?	☐	☐	☒	☐	☐	1,2,3,6
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐	1,2,3,6
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?	☐	☐	☐	☒	☐	1,2,3,6
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	☐	1,2,3,6
5) Result in inadequate emergency access?	☐	☐	☒	☐	☐	1,2,3,6
6) Result in inadequate parking capacity?	☐	☐	☒	☐	☐	1,2,3,6
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	☐	1,2,3,6

4.15.2.1 Project Impacts

In addition to the checklist above, thresholds of Significance consistent with the City of Milpitas and the CMP conclude that a traffic impact is considered significant if the project would:

- The level of service at an intersection drops below LOS D at local intersections or LOS E at CMP intersections when project traffic is added; or
- An intersection that is operating below the acceptable LOS standard under background conditions has an increase in critical delay of four or more seconds and the demand-to-capacity ration (V/C) is increased by more than 0.1 when project traffic is added.

Trip Generation Rates

Based upon the Trip Generation Comparison Analysis conducted by *Hexagon Transportation Consultants*, the proposed project would generate approximately 1,166 daily trips (84 trips in the AM Peak Hour and 109 trips in the PM Peak Hour). Because the site is undeveloped, there are no trips currently generated by the project site.

Intersection Level of Service Analysis

The results of the level of service analysis show that the same four intersections operating at LOS E and F under background conditions would do so under project conditions.

- The intersection of I-880 Northbound Ramps and Great Mall Parkway would operate at LOS E during the PM peak hour.
- The intersection of Montague Expressway and Main Street would operate at LOS F during the PM peak hour.
- The intersection of McCandless Drive/Trade Zone Boulevard and Montague Expressway would operate at LOS F during the PM peak hour.
- The intersection of Montague Expressway and Great Mall Parkway/Capitol Avenue would operate at LOS F during the AM and PM peak hours.

The remaining study intersections would continue to operate at LOS D or better.

Table 7 compares project conditions to background conditions, and identifies the incremental impact from project traffic on each study intersection.

TABLE 7
Project Intersection Level of Service

Intersection	Peak Hour	Background		Project Conditions			
		Ave. Delay	LOS	Ave. Delay	LOS	Inc. in Crit. Delay	Inc. in Crit. V/C
I-880-SB Ramps/Tasman Drive	AM	22.2	C	22.2	C	0.0	0.001
	PM	36.0	D	36.5	D	1.3	0.004
I-880-NB Ramps/Great Mall Pkwy	AM	47.2	D	47.3	D	0.1	0.001
	PM	**59.6**	**E**	**60.5**	**E**	**1.4**	**0.006**
S. Abel St./Great Mall Pkwy	AM	40.4	D	40.6	D	0.3	0.005
	PM	38.9	D	39	D	0.0	0.003
S. Main St/Great Mall Pkwy.	AM	25.5	C	27	C	0.2	0.002
	PM	36.9	D	37.1	D	0.3	0.007
McCandless Dr/Great Mall Pkwy.	AM	15.3	B	15.3	B	0.0	0.000
	PM	21.6	C	21.6	C	0.0	0.001
E. Capitol Ave/Montague Expwy.*	**AM**	**67.2**	**E**	**67.9**	**E**	**1.8**	**0.003**
	PM	**93.7**	**F**	**94**	**F**	**0.7**	**0.002**
S. Abel Street/Capitol Avenue	AM	20.0	C	20	C	0.0	0.001
	PM	17.7	B	17.6	B	-0.2	0.003

TABLE 7 *Continued* Project Intersection Level of Service							
Intersection	**Peak Hour**	**Background**		**Project Conditions**			
		Ave. Delay	**LOS**	**Ave. Delay**	**LOS**	**Inc. in Crit. Delay**	**Inc. in Crit. V/C**
S. Abel Street/S. Main Street	AM	13.2	B	13.8	B	0.2	0.014
	PM	8.8	A	9.7	A	0.2	0.014
S. Main St./Montague Expwy*	**AM**	**54.4**	**D**	**55.8**	**E**	**2.4**	**0.007**
	PM	**129.1**	**F**	**129.7**	**F**	**0.3**	**0.001**
Montague Expwy/Trade Zone Blvd.*	AM	41.5	D	41.7	D	0.4	0.002
	PM	**117.8**	**F**	**119.6**	**F**	**2.9**	**0.006**
* Denotes CMP intersection							

Traffic from the proposed project would not cause the LOS of any local Milpitas intersection to drop below LOS D or any CMP intersection to drop below LOS E in either the AM or PM Peak Hour. For intersections that operate below the established LOS standards under background conditions, the proposed project will not increase the critical delay of these intersections by four seconds or increase the V/C by more than 0.01. As a result, implementation of the proposed project will have a less than significant impact on signalized intersections.

While the project will not result in a significant impact to any signalized intersection, the project will contribute traffic to four intersections currently operating at an unacceptable LOS. To offset the effects of a project's traffic at impacted intersections, the City of Milpitas requires projects to pay a "fair share" contribution for traffic improvement costs. Currently, the City and County have plans to widen Montague Expressway. Since the proposed project would add traffic to three impacted intersections along Montague Expressway, the project would be required to make a monetary contribution toward the Montague Expressway improvements, as determined by the City.

4.15.2.2 North San José Deficiency Plan Analysis

This project will contribute traffic to some of the CMP roadways within the adopted North San José Deficiency Plan, which was approved under the CMP. Under background conditions the 22-intersection average delay was 77 seconds. With the addition of project traffic, the 22-intersection average would remain 77 seconds. According to the north San José Deficiency Plan (NSJDP) impact criteria, the proposed project would not have a significant impact on the NSJDP.

4.15.2.3 Parking

Parking for the proposed project would be provided on-site in a one-story parking garage and in a surface parking lot. Based on the City of Milpitas Zoning Ordinance and the Midtown Specific Plan, one-bedroom units are required to have 1.5 covered parking spaces per unit, and units with two or more bedrooms are required to have two covered parking spaces per unit. In addition, the project must provide guest parking (covered or uncovered) equal to 15 percent of the total resident parking requirement. Retail commercial is required to provide one space per 200 square feet of floor space. The City of Milpitas allows a 20 percent reduction in required parking for residential projects within

2,000 feet of a light rail station. This results in a total residential parking requirement of 217 spaces (189 resident and 28 guest) and a retail parking requirement of 14 spaces.

The project proposes 226 covered parking spaces in the garage (206 for residents and 20 shared retail/resident parking spaces) and 36 uncovered parking spaces in the surface parking lot (for guests) for a total of 262 parking spaces. Of the 206 assigned resident parking spaces, 28 will be tandem parking spaces. At this time it is unknown which units would be assigned the proposed tandem parking spaces; however, it is known that the tandem parking spaces will only be assigned to multi-bedroom units. Even with the proposed tandem parking spaces, the project will meet the City of Milpitas residential parking requirement. The project will exceed the guest and retail parking requirement

4.15.2.4 Site Access

The project proposes two full access driveways on South Main Street providing access to the parking garage. Both driveways would have one inbound lane and one outbound lane. The project's northernmost driveway would be a full access driveway, while left turns into the project site from northbound Main Street would not be possible at the southernmost driveway location due to the new raised center median as part of the Main Street Plan Line Study project.

ITE standards for driveway design and location were used to evaluate the project driveways. The standards for commercial driveways were used since ITE defines commercial driveways as those serving more than four dwelling units. ITE recommends the following standards for two-way commercial driveways:

- Widths between 30 to 40 feet and 15-feet radii (driveways with low-volume activity may have widths of 24 feet, providing that 20-foot radii are used).
- Spacing of at least 35 feet apart.
- 51-150 feet of frontage for two driveways.

There is approximately 630 feet of property frontage on South Main Street, which is sufficient for the two driveways. The two driveways on South Main Street are located approximately 300 feet apart. The northernmost driveway is 26 feet wide and the southernmost driveway is 24 feet wide. The project driveways would meet all of the above criteria with one exception: the driveways as proposed are "dust pan" style driveways with no curb returns. According to the ITE recommendations for driveways with low-volume activity, both driveways should have curb returns with 20-foot radii.

According to the site plan, both driveways would provide on-site storage for only one outbound vehicle. An outbound vehicle queue of more than one vehicle at either driveway location would temporarily block other vehicles parked perpendicularly along the drive aisles within the parking garage. Based on the estimated outbound trips and low conflicting traffic volumes on South Main Street, however, any on-site queuing and associated vehicle delays that would occur on-site would be minimal.

4.15.2.5 Main Street Plan Line Study

The Main Street Plan Line Study project will create a new image and aesthetic for South Main Street and Abel Street between Great Mall Parkway and Montague Expressway through new median

islands and other streetscape improvements. Planned improvements include enhanced landscaping, decorative street lighting, and pedestrian and bicycle improvements. The project frontage will need to match the City's Plan Line Study so that the streetscape elements on South Main and Abel Streets are consistent. Installation of the median island will result in the elimination of the separate westbound right-turn lane on Main Street. The elimination of the separate westbound right-turn lane will not impact roadway operations around the project site. The applicant may, however, be required to pay a "fair share" contribution towards the Main Street Plan Line Study project, as determined by the City of Milpitas.

4.15.3 Conclusion

Implementation of the proposed project would have a less than significant transportation impact. **(Less Than Significant)**

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Setting

4.16.1.1 Water Service

Water for the project site is currently provided by the City of Milpitas. The City purchases water from two major sources. The San Francisco Public Utility Commission (SFPUC) provides 65% of water supplied and the Santa Clara Valley Water District (SCVWD) provides 35% of water. The proposed project site is within the SFPUC wholesale distribution area.

There is currently an 8-inch water main located in South Main Street and South Abel Street that would serve the project site. From the 8-inch main line, there will be one 6-inch line that will connect to the project site from South Abel Street.

Recycled Water

The City of Milpitas purchases water from the South Bay Water Recycling Program through a contract with the City of San José. The San José/Santa Clara Water Pollution Control Plant (WPCP) produces the recycled water for distribution. The WPCP treats water to tertiary levels for discharge into the San Francisco Bay. A portion of the water supply is generated by a reclaimed water system which uses treated wastewater from the San José/Santa Clara Water Pollution Control Plant for irrigation and industrial purposes. The proposed residential development's homeowner's association (HOA) will be required to convert the irrigation system to recycled water when recycled water becomes available.

4.16.1.2 Sanitary Sewer/Wastewater Treatment

The Milpitas Sanitary Sewer Collection System is owned and maintained by the City of Milpitas. Wastewater from the City of Milpitas is treated at the San Jose/Santa Clara Water Pollution Control Plant, located near Alviso. In 2001, the City of Milpitas discharged 9.0 million gallons per day (mgd) of waste water and, as of July 2006, is contractually limited to a flow of 13.5 mgd.

There is currently one 8-inch sanitary sewer line located in South Main Street and one 8-inch line located in South Abel Street. From the 8-inch line located in South Main Street there will be two 8-inch lines that connect to the project site. The 8-inch sewer line from South Abel Street will have one 6-inch sewer line that will connect to the project site.

4.16.1.3 Storm Drainage System

The City of Milpitas owns and maintains the storm drainage system which serves the project site. The project site has a 12-inch storm drain along the western boundary of the site that would connect to the existing 36-inch storm drain line located in Main Street. No storm drain outfalls on-site would connect directly to Penitencia Creek.

4.16.1.4 Solid Waste

BFI provides residential and commercial solid waste and recycling collection services for the City of Milpitas. The City has contracted with Newby Island Landfill for disposal capacity for all of the City's franchised municipal solid waste.

4.16.2 Environmental Checklist and Discussion

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3
3) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1,2,3
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐	1,2,3
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐	1,2,3

4.16.2.1 Water Supply Impacts

The 2002 Water Master Plan assumed that the project site would be developed with a commercial land use, based on the Midtown Specific Plan. Based on the planned and approved commercial land use, the City estimated that the developed project site would use 19,584 gallons per day (gpd) of water.

Using the criteria established by the City's Water Master Plan, the proposed project would generate a total base water demand[17] of approximately 30,764 gpd. This is 11,180 gpd more than the Water Master Plan base water flow (bwf) estimated for the site under the existing land use/zoning designation (see Table 8).

TABLE 8
Additional Water Capacity Needs Above Master Plan Amounts

Land Use Code	BWF
Current Allowed Use – Commercial	19,584
Proposed Land Use – Residential/Commercial	30,764
Net Increase In BWF (above Master Plan)	11,180

The project site will be supplied with water purchased from the SCVWD which receives its water supply from a variety of sources including local groundwater, imported water, local surface water, and recycled water. To be supplied by the SCVWD, the project will need to connect to the Santa Clara Valley Water source pipeline. The proposed project would result in a minor net increase in water demand compared to the planned commercial land use and, based on the Midtown Specific Plan, there is sufficient water supply available to provide service to the proposed project. To reduce potable water demand, however, the development will incorporate water conservation practiced to the maximum extend practicable in accordance with City policies, and will also utilize recycled water.

The existing water supply lines that serve the project site have sufficient capacity to transport the project water demand. Implementation of the proposed project will not require new or upgraded water supply lines.

City development policies will require the developer to design and install all water mains/lines necessary to serve the project (including fire flow) sized in accordance with the City's Water Master Plan. The developer will also be required to purchase adequate public system water capacity above the capacities assumed in the Water Master Plan. In addition, the developer will be required to pay all water related fees including connection fees and water treatment plant fees. No new or expanded entitlements will be required to supply water to the site.

4.16.2.2 Wastewater Impacts

Based on the estimated water usage for the assumed commercial land use on-site in the 2002 Water Mater Plan, the project site would generate approximately 8,160 gpd of wastewater. The proposed residential project would generate approximately 30,679 gallons of wastewater per day which is

[17] Base Water Demand is different than the total water demand calculated in the Water Supply Assessment. The Base Water Demand does not include water necessary for landscaping.

22,519 gpd more than the assumed commercial land, based on land use assumptions of the Water Master Plan (see Table 9). While the sanitary sewer lines that serve the project site are of sufficient size to accommodate the project, the increase in wastewater flows will effect sewer conveyance capacity, the main pump system capacity, and the Water Pollution Control Plant Capacity.

TABLE 9
Additional Sewage Capacity Needs Above Master Plan Amounts

Land Use Code	BWF
Current Allowed Use – Commercial	8,160
Proposed Land Use – Residential/Commercial	30.679
Net Increase In BWF (above Master Plan)	22,519

The City of Milpitas recently increased its wastewater capacity[18] based on the proposed build-out of the Midtown Specific Plan and the findings of the 2004 Sewer Master Plan. It is anticipated that even with the increased capacity, city-wide demand will exceed the available capacity in the near future. At this time, however, there is sufficient capacity to support the proposed project[19].

As a condition of project approval by the City of Milpitas, the developer will design and construct all sanitary sewers in accordance with the City's Sewer Master Plan and the City Engineering Standards and Guidelines. In addition, the developer will purchase adequate public system sewage capacity. Fees shall consist of treatment plant fees up to the levels established in the Master Plan, plus proportional replacement costs for a new main sewage pump station and regional plant capacity above the master plan capacities, as determined by the City. The acquisition of additional plant capacity will not require the expansion of the existing wastewater treatment facility or construction of a new facility. The proposed project will not cause the wastewater treatment plant to exceed its existing capacity.

4.16.2.3 Storm Drainage Impacts

The project proposes to connect to the existing storm drainage lines located in South Main Street and South Abel Street. The project site is currently 100 percent pervious. Implementation of the proposed project would increase the impervious surface area of the project site by approximately 98 percent.

A Storm Drain Master Plan (SDMP) was prepared for the Midtown Specific Plan EIR (Oct, 2001) to determine if the existing storm drainage system had sufficient capacity to serve the midtown area under full build out of the Midtown Specific Plan. The SDMP concluded that implementation of the Midtown Specific Plan would result in a net decrease of stormwater runoff of approximately 13 percent compared to the existing General Plan. As a result, implementation of the Midtown Specific Plan, including the proposed project, would not create or contribute runoff water that would exceed the capacity of the planned stormwater drainage system and no new stormwater drainage facilities

[18] The City of Milpitas purchased additional capacity rights at the wastewater treatment plant in July 2006. The additional capacity totaled one million gallons per day increasing total capacity to 13.5 mgd.
[19] City of Milpitas Public Works Department, Personal Communication, April, 2007

would be required. The proposed project would have a less than significant impact on storm drainage facilities in Milpitas.

4.16.2.4 Solid Waste Impacts

The project would result in an incremental increase in residential waste. The proposed project would produce approximately 504 pounds of solid waste per day[20]. The existing landfill has capacity to handle this additional amount of waste produced from the proposed project. The City of Milpitas is currently operating a residential recycling program for single-family houses and apartments that complies with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. This project will participate in the City's solid waste program and in the City's residential recycling program which will reduce the total amount of garbage taken to the landfill. Coordination with the solid waste hauler is necessary to insure that sufficient space is allocated for the necessary facilities. With implementation of the City's residential recycling program and solid waste program, the proposed project will have a less than significant impact on solid waste facilities serving the City of Milpitas.

4.16.3 Conclusion

The proposed project would not require new utility lines and with the proposed mitigation measures above incorporated, would not exceed the capacity of existing utility systems. For this reason, the proposed project would not result in significant impacts to utilities or service systems. **(Less Than Significant Impact with Mitigation Measures Incorporated)**

[20] Based on average waste production of 4 pounds per unit per day.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial 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?	☐	☐	☒	☐	☐	1 – 15
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)?	☐	☐	☒	☐	☐	1 – 15
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	☐	1 – 15
4) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	☐	1 – 15

The proposed development would contribute incrementally to traffic, air quality, and noise impacts associated with development in an urban area. Mitigation measures have been included in the project to reduce identified project impacts on the natural and human environment to a less than significant level.

Please see Page 82 for the checklist sources.

4.18 AUTHORS AND CONSULTANTS

Author:

City of Milpitas Planning Division
Felix Reliford – Acting Director of Planning and Neighborhood Services
Bridgette Carroll – Project Manager

Consultants:

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
San José, CA
Michelle Yesney, Principal
Shannon George, Project Manager
Karli Grigsby, Assistant Project Manager
Stephanie Grotton, Graphic Artist

Hexagon Transportation Consultants
Traffic Consultants
San José, CA

Charles Salter Associates
Acoustical Consultants
San Francisco, CA

Dean Carrier
Wildlife Biologist
Paradise, CA

4.19 CHECKLIST SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of Milpitas. Milpitas 2020 General Plan, 2002.

3. City of Milpitas. Midtown Specific Plan EIR. October 8, 2001.

4. California Department of Conservation. Santa Clara County Important Farmland 2002. Map.

5. Bay Area Air Quality Management District, Bay '00 Clean Air Plan and Triennial Assessment, Volume I, adopted December 20, 2000.

6. Hexagon Transportation Consultants. South Main Street Residential Development Draft Transportation Impact Analysis. August, 2006.

7. Carrier, Dean. Burrowing Owl Survey and Habitat Report. April 19, 2006

8. City of Milpitas. Tree Ordinance.

9. Lowney Associates. Feasibility-Level Geotechnical Investigation for Main and South Abel Street Residential Development. June 13, 2005.

10. Matteson Companies. South Main Street, Milpitas: Development Statement. April 15, 2006

11. FEMA Flood Insurance Rate Map Community-Panel Number 060349 0036 D. August 2, 1982.

12. Association of Bay Area Governments. ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties. ABAG. California Office of Emergency Services. 2005.

13. Charles Salter Associates, Inc. Noise Assessment. February, 2006.

14. Lowney Associates. Phase I Environmental Site Assessment for Main Street/Abel Street Property. June 2, 2005.

15. BKF. South Main Street Stormwater Control Report. March 2006.

4.20 REFERENCES

Airport Land Use Commission, Land Use Plan for Areas Surrounding Santa Clara County Airports, September 1992.

Association of Bay Area Governments. Web Site. http://www.abag.ca.gov/

Bay Area Air Quality Management District, Bay '00 Clean Air Plan and Triennial Assessment, Volume I, adopted December 20, 2000.

Bay Area Air Quality Management District, CEQA Guidelines, Assessing the Air Quality Impacts of Amendments and Plans, December 1999.

Bay Area Air Quality Management District. Web Site. http://www.baaqmd.gov/

BKF. South Main Street Stormwater Control Report. March 2006.

Carrier, Dean. Burrowing Owl Survey and Habitat Report. April 19, 2006

Charles Salter Associates, Inc. Noise Assessment. February, 2006.

City of Milpitas. Milpitas 2020 General Plan, 2002.

City of Milpitas. Midtown Specific Plan EIR. October 8, 2001.

Hexagon Transportation Consultants. South Main Street Residential Development Draft Transportation Impact Analysis. August, 2006.

Lowney Associates. Feasibility-Level Geotechnical Investigation for Main and South Abel Street Residential Development. June 13, 2005.

Lowney Associates. Phase I Environmental Site Assessment for Main Street/Abel Street Property. June 2, 2005.

Matteson Companies. South Main Street, Milpitas: Development Statement. April 15, 2006.

Shea Properties

Main & Abel Apartments

Project Team

OWNER:
Shea Properties
130 Vantis, Suite 200
Aliso Viejo, CA 92656
(949) 389-7200 Attn: J.J. Abraham

ARCHITECT:
Architects Orange
144 N. Orange Street
Orange, CA 92866
(714) 639-9860 Attn: Tobin Symmank

LANDSCAPE ARCHITECT:
Valley Crest Design Group
3242 Halladay, Suite 203
Santa Ana, CA 92705
(714) 557-5852 Attn: Mark Carlos

CIVIL ENGINEER:
BKF Engineers
1650 Technology Drive, Suite 650
San Jose, CA 95110
(408) 848-0300 Attn: Martin Parissenti

Building/Unit Tabulation

SHEA - South Main Street - Milpitas - Corner Entry Scheme

4-Story Residential (Type V Construction) 9/13/2011

Level	Studio		1 BR					2 BR									Total *
	S1	S2	A1	A2	A2A	A2-Loft	A3	B2	B3	B4B	B4-Loft	B4C	B6	B7	B8	B9	
1	2		12	13	1		2	0	1	10		2	1	1		1	44
2		2	12	15	1			1	1	14		2	1	1	0	1	49
3			14	15	1			1	1	14		3	1	1	1	1	53
4			14	3	1	12		1	1	4	10	3	1	1	1	1	53
	2	2	52	46	4	12	2	3	4	42	10	10	4	4	2	4	**203**
Totals	4		116					83									
	1.00%	1.0%	25.6%	22.7%	2.0%	5.9%	1.0%	1.5%	2.0%	20.7%	4.9%	4.9%	2.0%	2.0%	1.0%	2.0%	100.0%
	2.0%		57.1%					40.9%									

* Total unit count shown is based on concept plans. For purpose of the Site Development Permit, 204 units are assumed.

DWELLING UNIT INFORMATION

Unit	Unit SF	Qty.	%	SF TOT.*
S1	498	2	1.0%	996
S2	611	2	1.0%	1,222
A1	720	52	25.6%	37,440
A2	764	46	22.7%	35,144
A2A	688	4	2.0%	2,752
A2-Loft	893	12	5.9%	10,716
A3	752	2	1.0%	1,504
B2	1,037	3	1.5%	3,111
B3	1,128	4	2.0%	4,512
B4B	1,131	42	20.7%	47,502
B4-Loft	1,236	10	4.9%	12,360
B4C	1,058	10	4.9%	10,580
B6	1,072	4	2.0%	4,288
B7	1,131	4	2.0%	4,524
B8	1,446	2	1.0%	2,892
B9	1,149	4	2.0%	4,596
Avg.	907	**203**	100%	**184,139**

* RESIDENTIAL UNIT NET AREA

Parking Tabulation

Parking Summary: 9/13/2011

Unit Type	Number of Units	Stalls/Unit Transit Area Ovrly Plan Min.	Stalls Req'd Transit Area Ovrly Plan Min.
Studio	4	0.80	4
1 BR	116	1.20	140
2 BR	83	1.60	133
3 BR	0	1.60	0
Total	203	1.36	277
Guest		0.15	42
Total Required			**319**
Residential Parking			340
Total Provided			**340**
Replacement Value (Bicycles & Motocycles)			**16**
TOTAL			**356**

Allowable Std Stall Replacement - Zoning XI-10-53.13

Replaced Standard Stalls By Bicycle Parking @ 8:1 Ratio	7
Replaced Standard Stalls By Motorcycle Parking @ 2:1 Ratio	13
Total (Max Allowed = 5% of Required Parking = 16 stalls)	**16**

Accessible Stalls:

			Req'd Accessible	
Dwelling Stalls	277	2%	5.54	**=6 Req'd**
Visitor parking	42	5%	2.08	**=2 Req'd**
For Residential			7.62	**=8 Req'd**
Accessible Van Parking	1 per 8 H/C stalls		**=7 H/C + 1 H/C van stalls**	

Parking Provided:

Parking Provided	Units Per Level	Residential Parking	HC Stalls
Surface Parking			
Parking Structure - 1st Level	45	51	2
2nd Level	50	57	2
3rd Level	53	57	1
4th Level	53	57	1
5th Level		58	1
6th Level		60	1
Total Provided	**201**	**340**	**8**

Bicycle Parking

Use	Standards	Required	Provided	Notes
Residential	1 per 4 Dw. Units	50.75	51	
Guest	5% of Pkg Req's	2.08	3	On-street racks
Total Provided			54	

Sheet Index

ARCHITECTURAL

A1 TITLE SHEET
A2 SITE PLAN
A3 SOLID WASTE PLAN
A4.1 1st FLOOR PLAN
A4.2 2nd FLOOR PLAN
A4.3 3rd FLOOR PLAN
A4.4 4th FLOOR PLAN
A4.5 MEZZANINE LEVEL/ ROOF PLAN (5th Level Garage)
A4.6 6th LEVEL GARAGE PLAN
A5.1 ELEVATIONS
A5.2 ELEVATIONS
A6 BUILDING SECTIONS
A7.1 DWELLING UNIT PLANS
A7.2 DWELLING UNIT PLANS

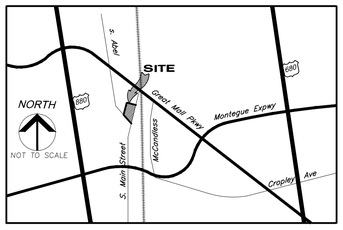
LANDSCAPE
L1 CONCEPTUAL LANDSCAPE PLAN
L2 CONCEPTUAL LANDSCAPE SECTIONS

CIVIL ENGINEERING (Previously Submitted)

C1 EXISTING CONDITIONS
C2 MAP SHEET
C3 GRADING AND DRAINAGE
C4 GRADING AND DRAINAGE
C5 UTILITY PLAN
C6 UTILITY PLAN
C7 STORMWATER MANAGEMENT PLAN

Vicinity Map

N.T.S.



Gross Building Area

BUILDING - GROSS AREA

AREA (Gross S.F.) - RESIDENTIAL	251,332
AREA (Gross S.F.) - PARKING GARAGE	127,428
TOTAL AREA	**378,760**

BUILDING COVERAGE (S.F.) (EXCLUDES PARKING GARAGE)	62,586

11-163 September 15, 2011

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties. KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

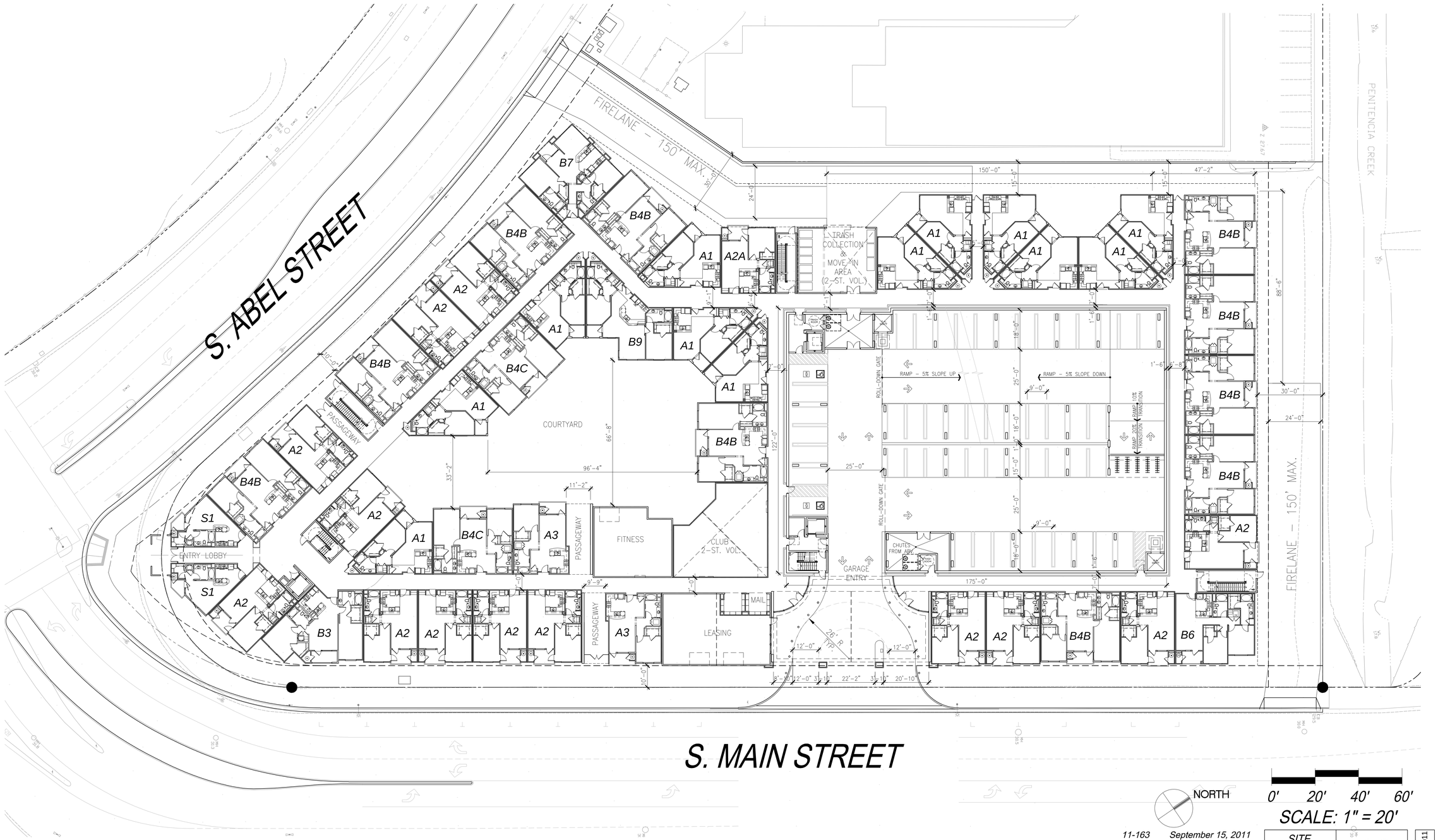
© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

TITLE SHEET **A1**

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

CASE FILE NUMBERS:
X X

09.15.2011
AGENCY SUBMITTAL



NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

SITE PLAN	A2

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

CASE FILE NUMBERS:
X X

09.15.2011

AGENCY SUBMITTAL

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES

130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

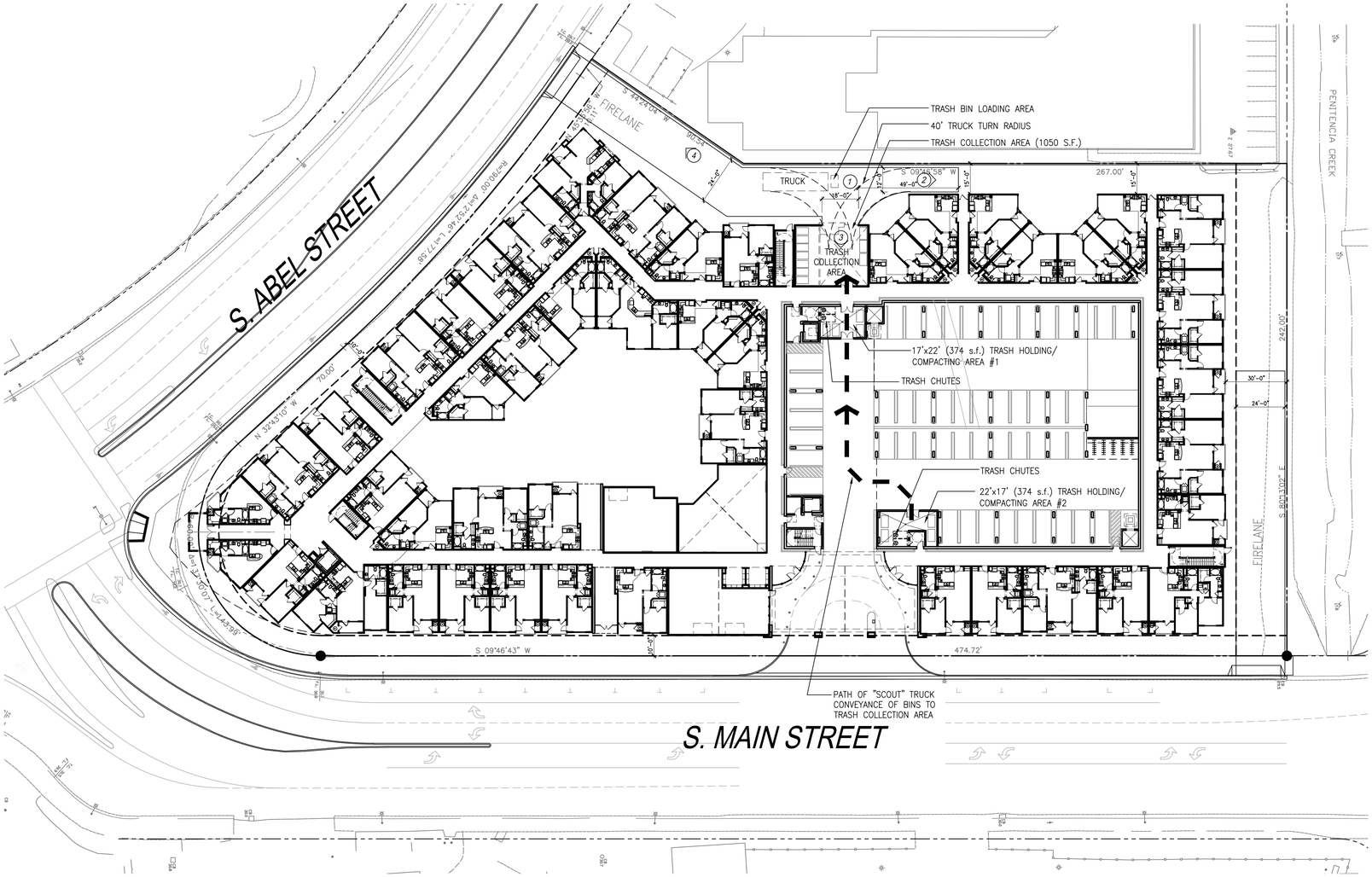
Shea Properties

KINGSMILL GROUP

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



TRASH NARRATIVE

Residents will dispose of trash and waste for recycling via chutes for refuse and recycling (1 each) which are provided in a room at two locations on each level. Trash chutes drop into trash bins located in rooms on the lower garage level, as shown on this sheet. Vertical Trash Compactors are provided within these receiving / compaction rooms to directly compact refuse or recyclable material. Management personnel will bring compacted bins out of the receiving / compaction rooms for "scout" truck collection / "train-ing". (Internal transport from Holding/Compaction areas to the Collection Area shall remain the responsibility of the property owner throughout the lifecycle of this development).The scout truck will then transport compacted bins to the collection area as shown. The bins will be moved from the trash collection area to the trash loading area upon the arrival of the trash truck on the designated pick-up day.

On collection day, the Solid Waste Collection Truck will enter the property at the S. Abel firelane access and proceed to the bin loading area (1). Bins will be pulled out as arranged by Property Management to this loading area and returned to the holding area once complete. The Solid Waste Collection Truck will then proceed forward to begin exit maneuvers (2), back-up into the holding area (3), pull forward and exit the property (4). The holding area opening is 18' wide and provides 15' height clearance.

Per City of Milpitas Development Guidelines for Solid Waste Service, 3 cubic yard bin size is 42" x 72". Compatibility of bins used for Scout truck and "train-ing" to be confirmed for use with Allied Waste Management trucks.

Color of bins used for solid waste (blue suggested) to be different from bins used for recycling (white suggested, as used by Allied).

TRASH COLLECTION SUMMARY

3 (b) Chutes. Chutes, if provided for on-site collection of material, shall comply with the following guidelines:
i. Application. Contact City engineering department if recycled material chutes are proposed since special care must be taken to assure material does not hang up in chutes and to minimize contamination by trash. In addition, a property manager shall be available to monitor the chute daily (including weekends) to check operations, maintain bins and chutes, and avoid nuisance conditions.
ii. Adequate Designated Recycled Area Required. Provide adequate area for separate recycled material collection adjacent to chute area; property management to transport recycled material to central location for pickup.
iii. Chute Design.
1. Provide 16 inch square chute doors (which is smaller than the 24 inch chute diameter) to preclude dumping of large items which may hang up in chute.
2. Provide chute doors with side panels to avoid hands being caught in doors.
3. Provide temporary „ shut-off door„ at end of chute to prevent disposal when receiving trash bins are being changed.
4. Provide insulation around chute to reduce noise.
5. Provide sanitary systems to minimize nuisance conditions:
- Placement of the manufacturers optional, built-in water cleaning system, where appropriate**
- Use of the deodorizer device, where appropriate***
- Include positive, mechanical air ventilation of at least six (6) room volumes per hour or as designed for specific use by registered engineer. Fan switch shall be located at a convenient location near trash bins.
6. Provide individual slide-out refuse cabinet with 15 pound plastic bag holder in each residential kitchen for plastic, tie-top disposal bags to be used for disposal into chutes.
7. For chutes in excess of three floors, a baffle system to reduce the drop impact of material shall be included.
iv. Others.
1. Adhere to fire code (City Fire Department will review) .
2. Conform to all Equipment Manufacturer's requirements.

LEGEND

SCOUT TRUCK ROUTE

CAPACITY REQUIREMENTS (WEEKLY):

SOLID WASTE CALCULATIONS						
No. UNITS	Lbs/Week/Unit	Total Generation: Uncompacted (lbs)	Waste Bin Capacity lbs/cubic yd (uncompacted)	Bin Volume Compaction Ratio X:1	Total Cubic Yards: Compacted	Total Bins Required @ 3 CY each
203	34	6902	100	3	23.0	8
RECYCLING CALCULATIONS						
No. UNITS	Lbs/Week/Unit	Total Generation: Uncompacted (lbs)	Waste Bin Capacity lbs/cubic yd (uncompacted)	Total Cubic Yards: Uncompacted		Total Bins Required @ 3 CY each
203	7	1421	45	31.6		11

NORTH

0' 30' 60' 90'

SCALE: 1" = 30'

11-163 September 15, 2011

SOLID WASTE PLAN

A3

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

S. MAIN STREET & S. ABEL STREET

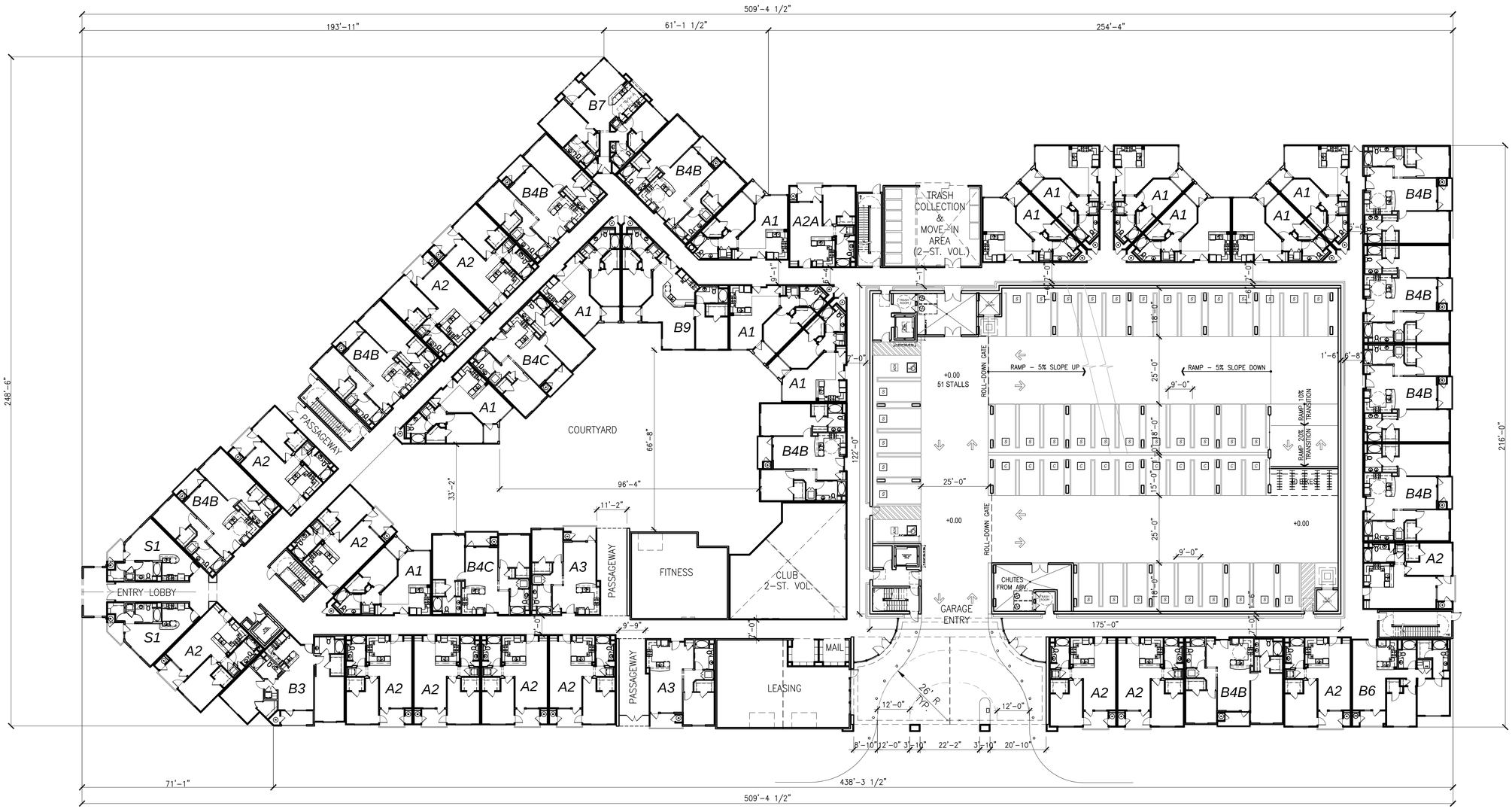
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties. KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



FIRST FLOOR PLAN

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN	A4.1

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

S. MAIN STREET & S. ABEL STREET

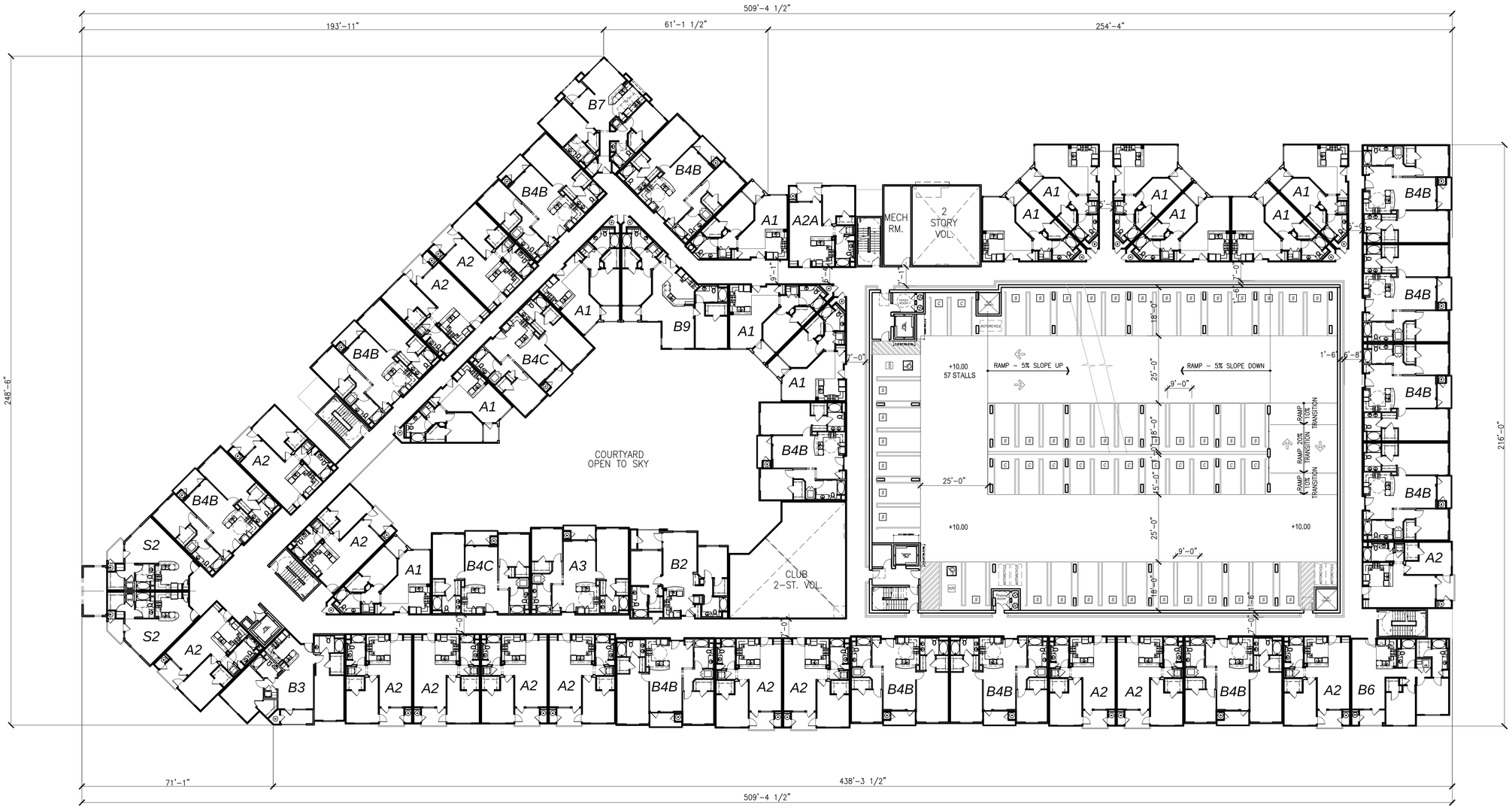
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860



SECOND FLOOR PLAN

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN	A4.2

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

S. MAIN STREET & S. ABEL STREET

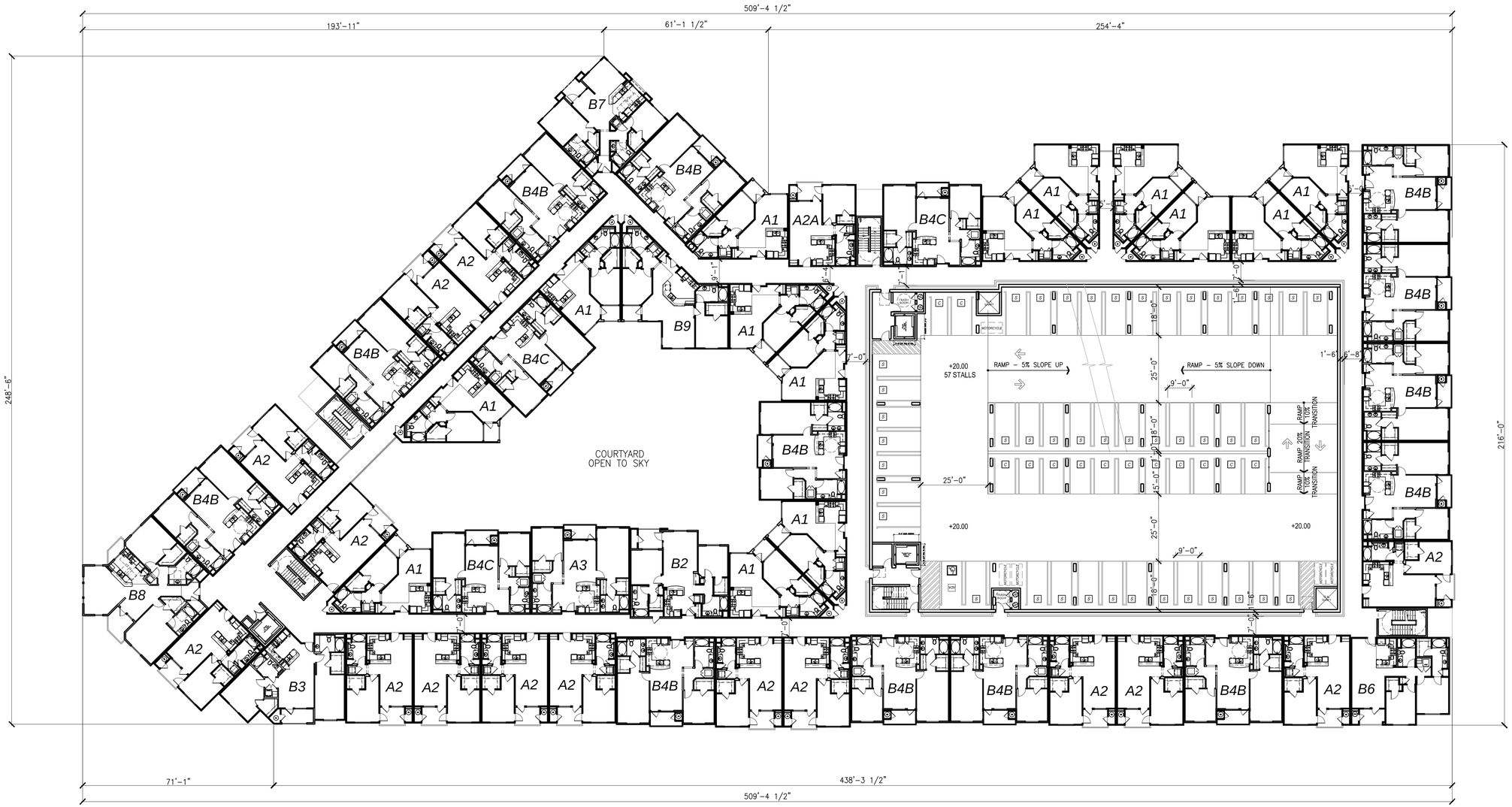
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties. KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



THIRD FLOOR PLAN

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN	A4.3

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

CASE FILE NUMBERS:
X X

09.15.2011

AGENCY SUBMITTAL

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

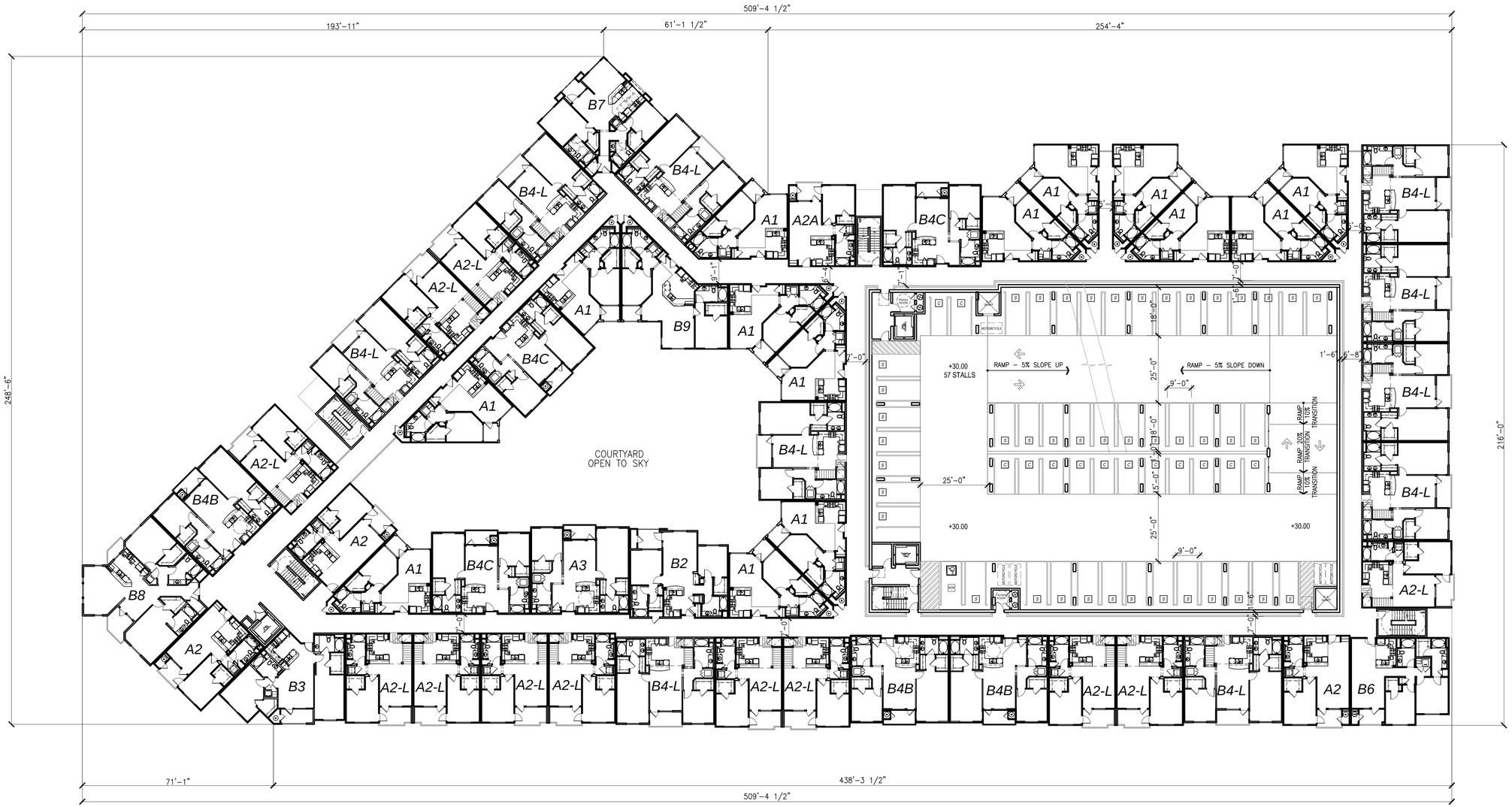
SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



FOURTH FLOOR PLAN

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN	A4.4

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

S. MAIN STREET & S. ABEL STREET

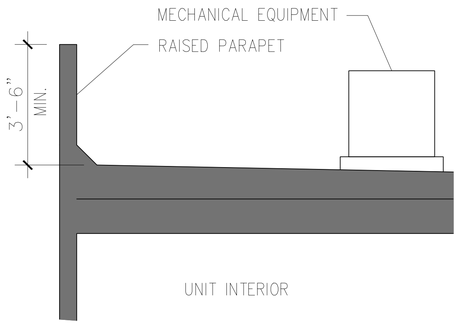
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

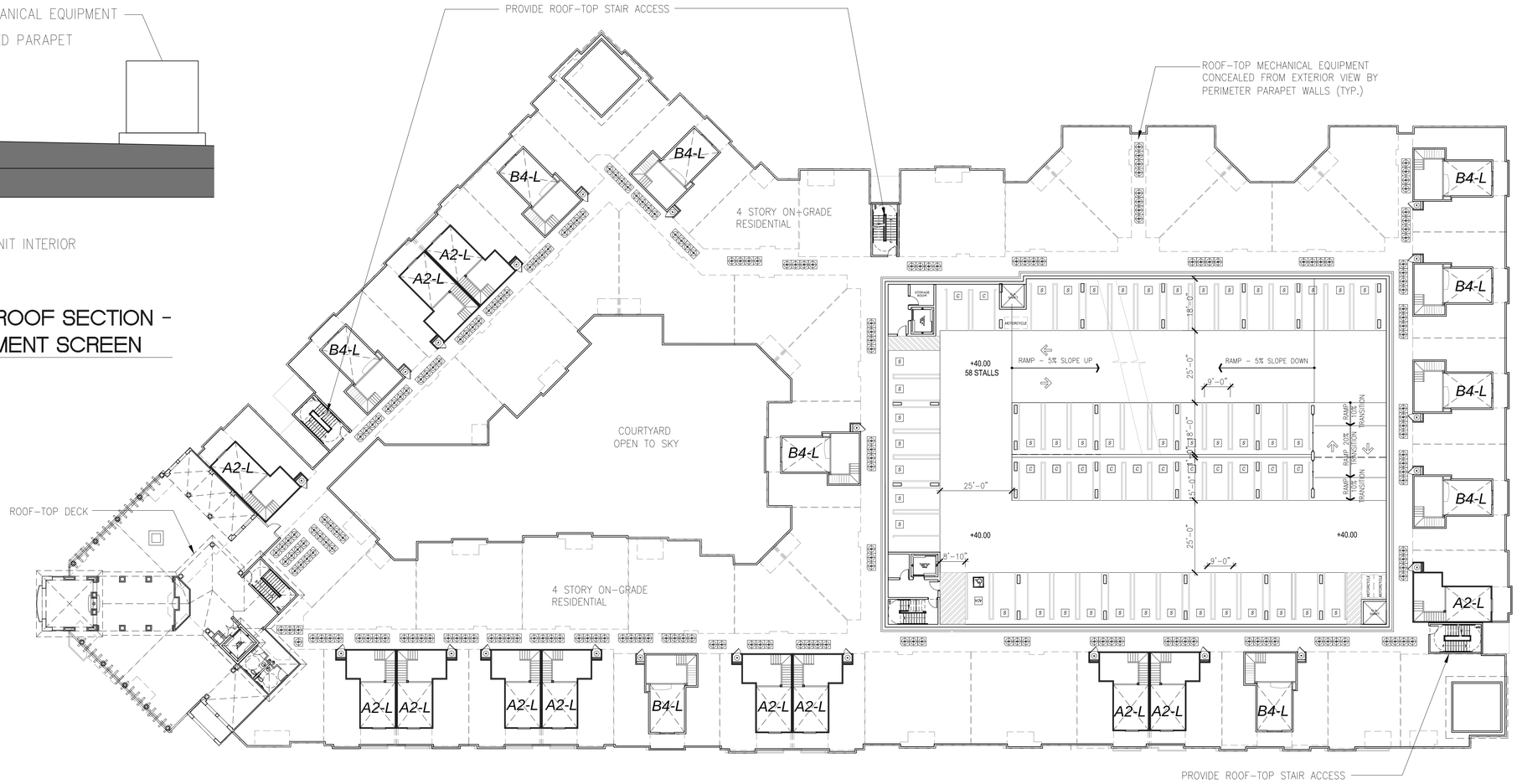
KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860



TYPICAL ROOF SECTION - EQUIPMENT SCREEN

N.T.S.



MEZZANINE LEVEL / ROOF PLAN (5TH Level Garage)

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN A4.5

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

S. MAIN STREET & S. ABEL STREET

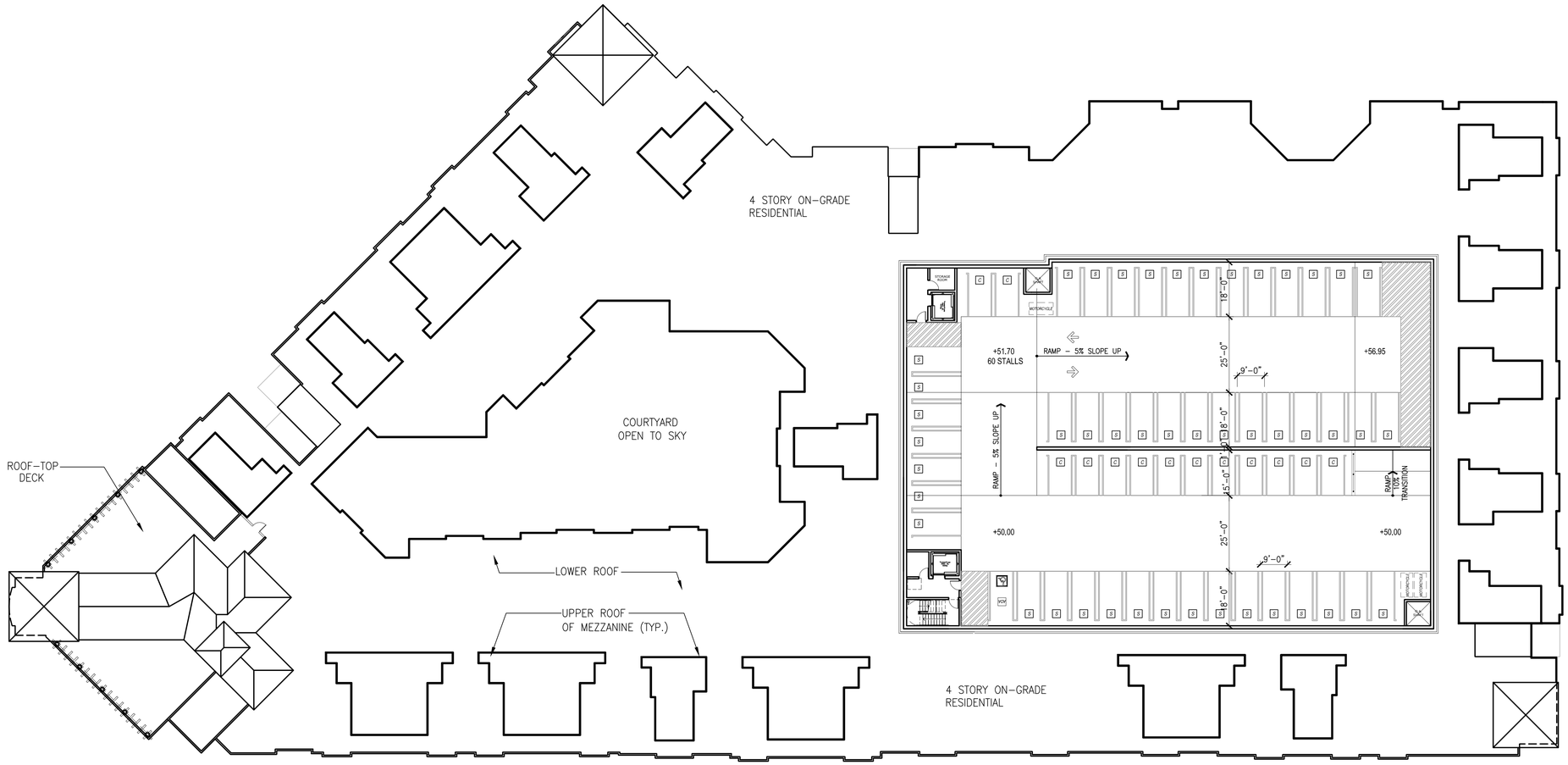
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860



SIXTH LEVEL GARAGE PLAN

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'

11-163 September 15, 2011

BLDG PLAN	A4.6

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties.

KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

SOUTH ELEVATION - S. ABEL STREET

EAST ELEVATION - S. MAIN STREET

SCALE: 3/32" = 1'-0"

11-163 September 15, 2011

BLDG. ELEVS. A5.1

XX.XX.XX

No.	ITEM	DATE
1	SUBMITTAL	XX.XX.XX

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without either permission by Architects Orange.

NORTH ELEVATION

WEST ELEVATION

SCALE: 3/32" = 1'-0"

11-163 September 15, 2011

BLDG. ELEVS.	A5.2	09.15.2011

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

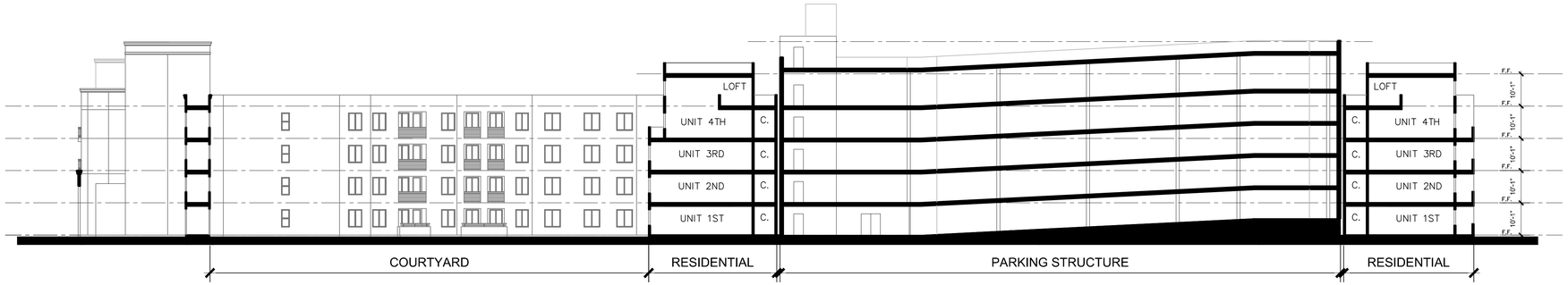
SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

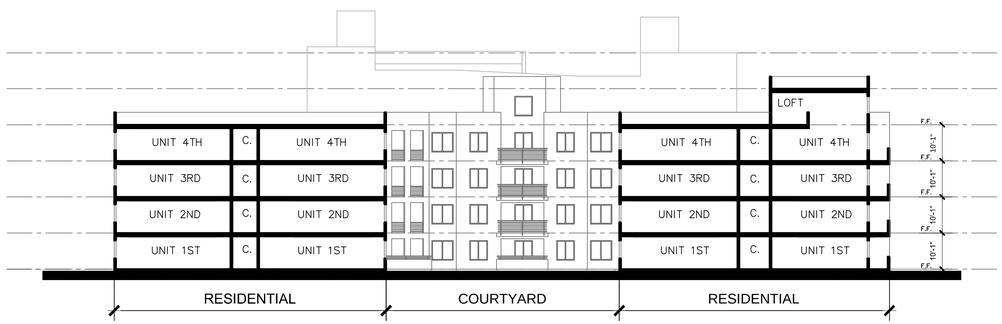
KINGSMILL GROUP

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

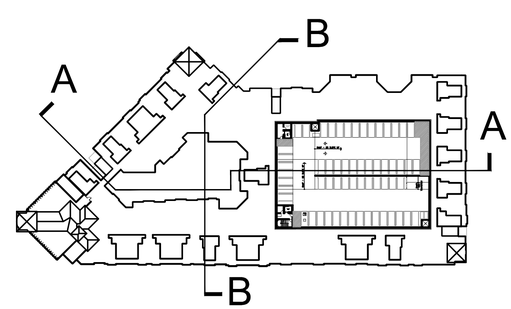
© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



SECTION A-A



SECTION B-B



KEYMAP
N.T.S.

NORTH

11-163 *September 15, 2011*

SCALE: 1:20

SITE SECTION	A6

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

S. MAIN STREET & S. ABEL STREET

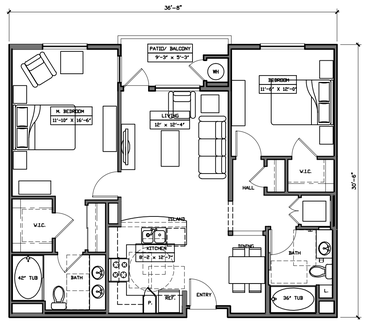
MILPITAS, CA

SHEA PROPERTIES
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

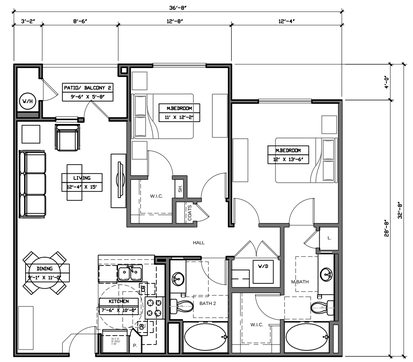
Shea Properties.

KINGSMILL GROUP

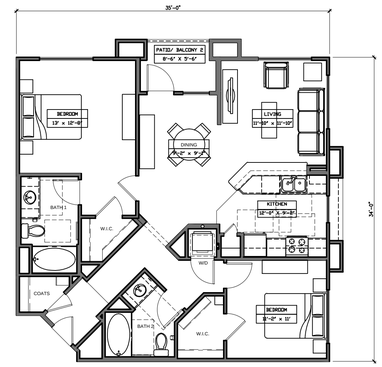
ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860



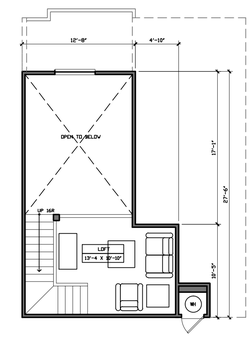
UNIT B4c
2 BEDROOM - 2 BATH
LIVABLE AREA: 1,058 SQ. FT.
PATIO/BALCONY: 54 SQ. FT.



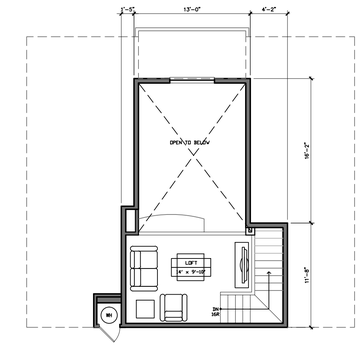
UNIT B6
2 BEDROOM - 2 BATH
LIVABLE AREA: 1072 SQ. FT.
PATIO/BALCONY : 53 SQ. FT.



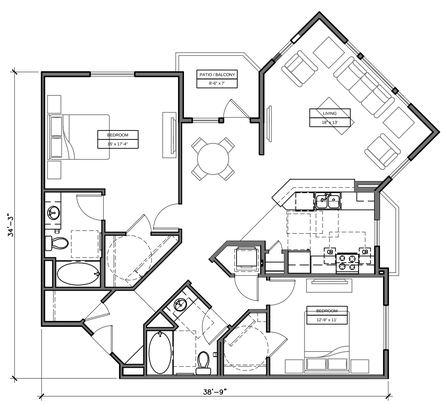
UNIT B7
2 BEDROOM - 2 BATH
LIVABLE AREA: 1131 SQ. FT.
PATIO/BALCONY: 44 SQ. FT.



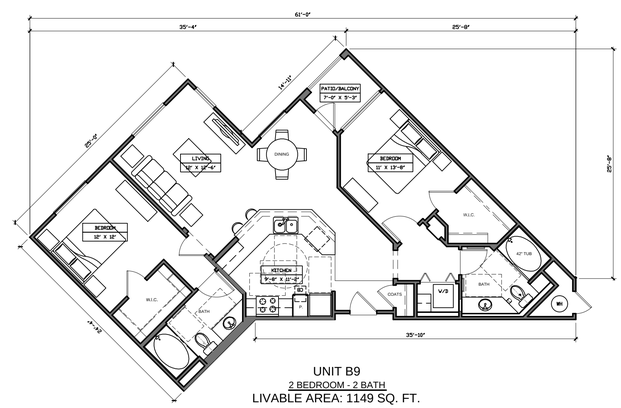
UNIT A2-LOFT
1 BEDROOM - 1 BATH
LIVABLE AREA: 129 SQ. FT.



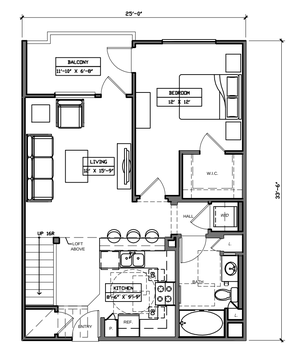
UNIT B4-LOFT
2 BEDROOM - 2 BATH
LIVABLE AREA: 127 SQ. FT.



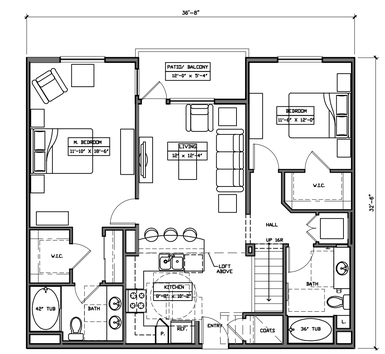
UNIT B8
2 BEDROOM - 2 BATH
LIVABLE AREA: 1,319 SQ. FT.
PATIO/BALCONY: 59 SQ. FT.



UNIT B9
2 BEDROOM - 2 BATH
LIVABLE AREA: 1149 SQ. FT.
PATIO/BALCONY: 39 SQ. FT.



UNIT A2-LOFT
1 BEDROOM - 1 BATH
LIVABLE AREA: 764 SQ. FT.
TOTAL LIVABLE: 893 SQ. FT.
PATIO/BALCONY: 76 SQ. FT.



UNIT B4-LOFT
2 BEDROOM - 2 BATH
LIVABLE AREA: 1,136 SQ. FT.
TOTAL LIVABLE: 1,263 SQ. FT.
PATIO/BALCONY: 64 SQ. FT.

0' 8' 16' 24'

SCALE: 1/8" = 1'-0"

11-163 September 15, 2011

UNIT PLANS	A7.2

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

CASE FILE NUMBERS:
X X

09.15.2011

AGENCY SUBMITTAL

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES

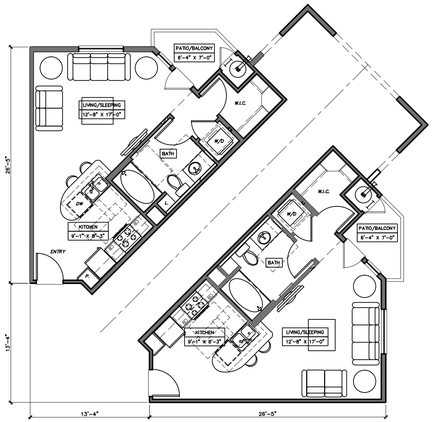
130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties. KINGSMILL GROUP

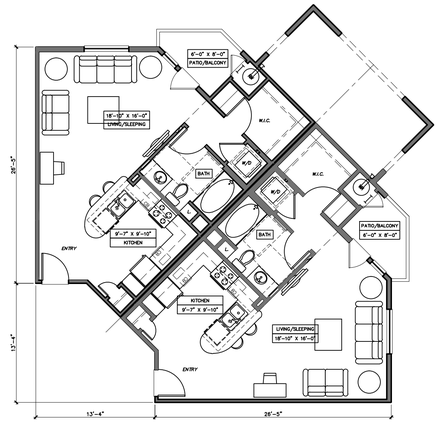
ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

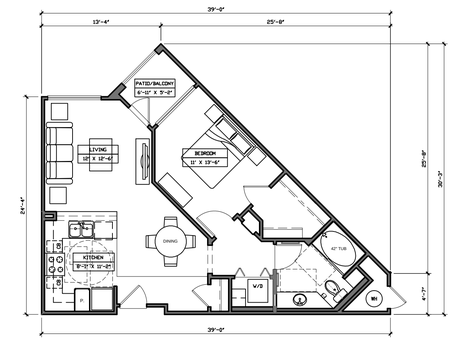
© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.



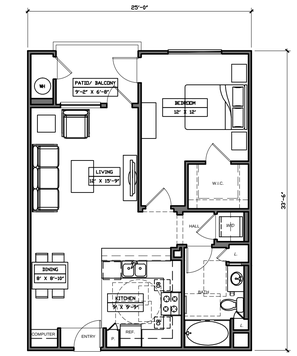
ENTRY LOBBY
UNIT S1
1 BEDROOM - 1 BATH
NET LIVABLE: 498 SQ. FT.
PATIO/BALCONY: 36 SQ. FT.



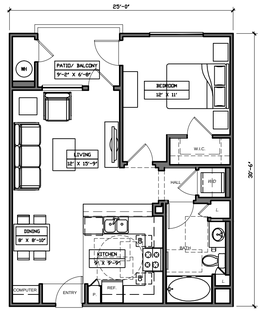
UNIT S2
1 BEDROOM - 1 BATH
NET LIVABLE: 611 SQ. FT.
PATIO/BALCONY: 42 SQ. FT.



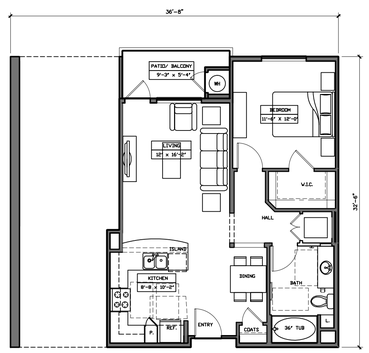
UNIT A1
1 BEDROOM - 1 BATH
LIVABLE AREA: 720 SQ. FT.
PATIO/BALCONY: 39 SQ. FT.



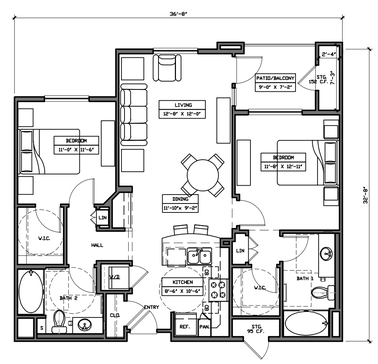
UNIT A2
1 BEDROOM - 1 BATH
LIVABLE AREA: 764 SQ. FT.
PATIO/BALCONY: 61 SQ. FT.



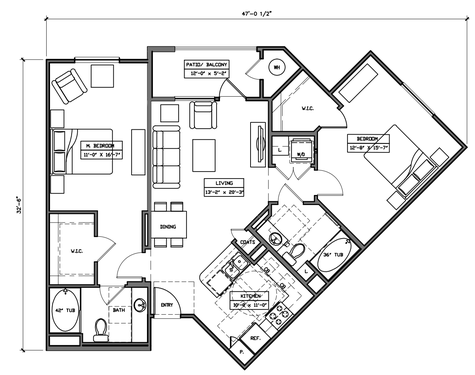
UNIT A2A
1 BEDROOM - 1 BATH
LIVABLE AREA: 688 SQ. FT.
PATIO/BALCONY: 61 SQ. FT.



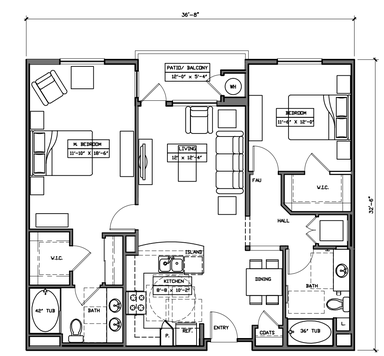
UNIT A3
1 BEDROOM - 1 BATH
LIVABLE AREA: 752 SQ. FT.
PATIO/BALCONY: 54 SQ. FT.



UNIT B2
2 BEDROOM - 2 BATH
LIVABLE AREA: 1037 SQ. FT.
PATIO/BALCONY: 64 SQ. FT.



UNIT B3
2 BEDROOM - 2 BATH
LIVABLE AREA: 1,126 SQ. FT.
PATIO/BALCONY: 62 SQ. FT.



UNIT B4B
2 BEDROOM - 2 BATH
LIVABLE AREA: 1,131 SQ. FT.
PATIO/BALCONY: 54 SQ. FT.

0' 8' 16' 24'

SCALE: 1/8" = 1'-0"

11-163 September 15, 2011

UNIT PLANS	A7.1

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

09.15.2011

AGENCY SUBMITTAL

CASE FILE NUMBERS:
X X

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES

130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties.

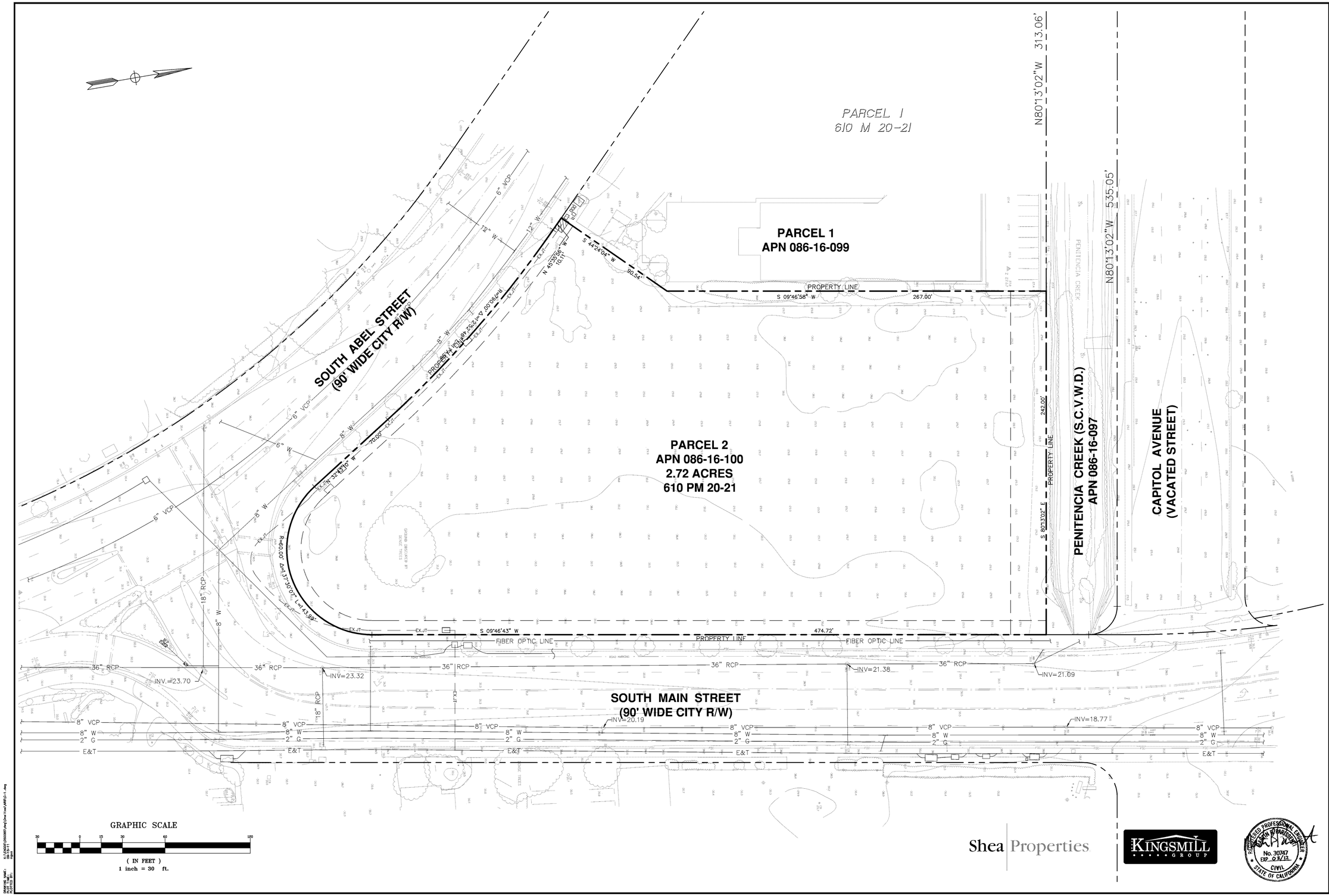
KINGSMILL GROUP

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

© BKF ENGINEERS



Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER
No. 30747
EXP. 03/12
CIVIL
STATE OF CALIFORNIA

1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

BKF
ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET ONSITE IMPROVEMENTS
EXISTING CONDITIONS
SANTA CLARA COUNTY CA

MILPITAS

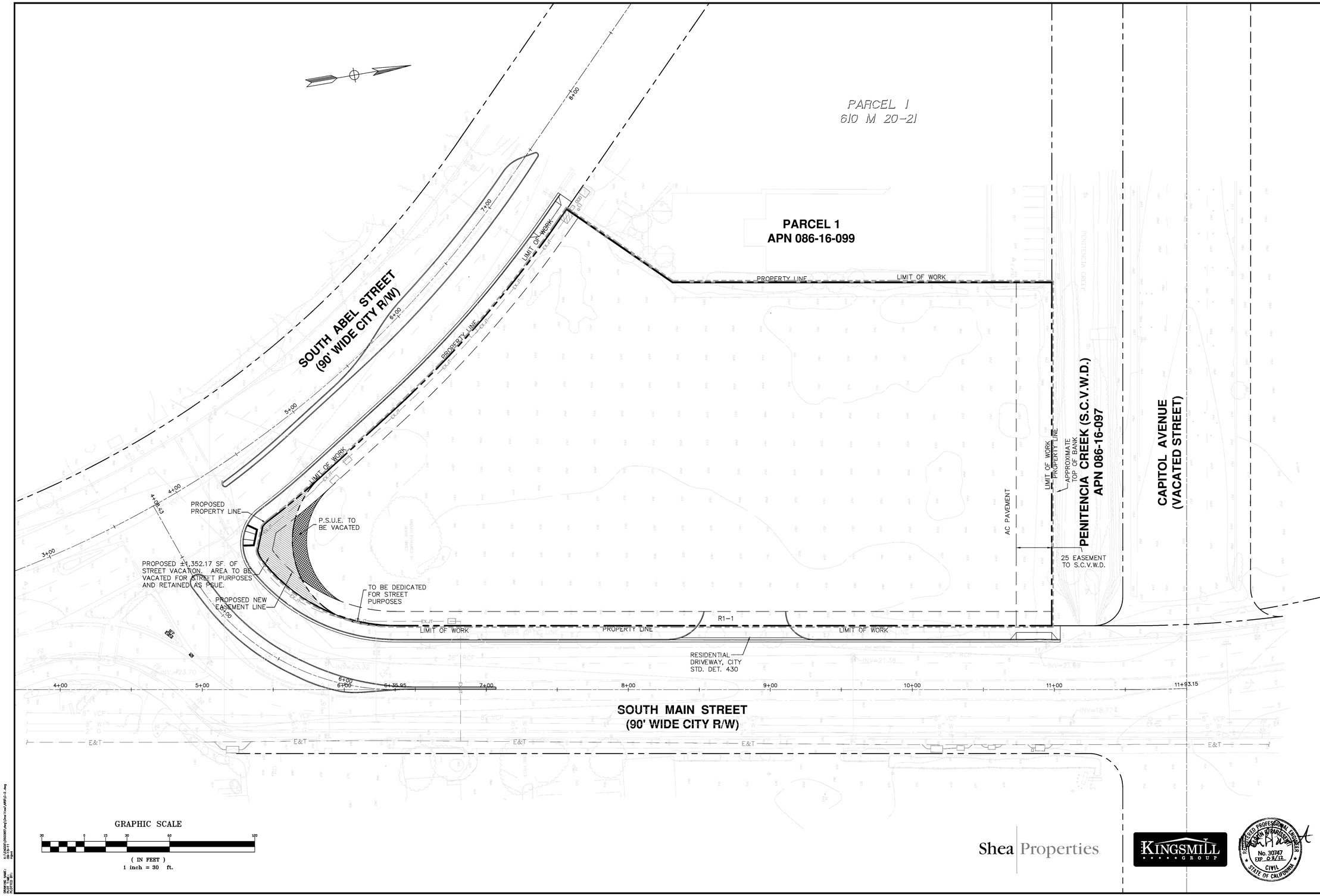
Revisions	
No.	

Date: 09-15-11
Scale: 1"=30'
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

Drawing Number:
C-1
1 OF 7

DRAWING NAME: X:\12020\20050085\dwg\Dwg11x17\MBP\C-1.dwg
PLOT DATE: Sep 15, 2011
PLOT TIME: 09:11

© BKF ENGINEERS



BKF
ENGINEERS / SURVEYORS / PLANNERS
1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

SOUTH MAIN STREET ONSITE IMPROVEMENTS

MAP SHEET

SANTA CLARA COUNTY CA

MILPITAS

No.	Revisions

Date: 09-15-11
Scale: 1"=30'
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

Drawing Number:

C-2

2 OF 7

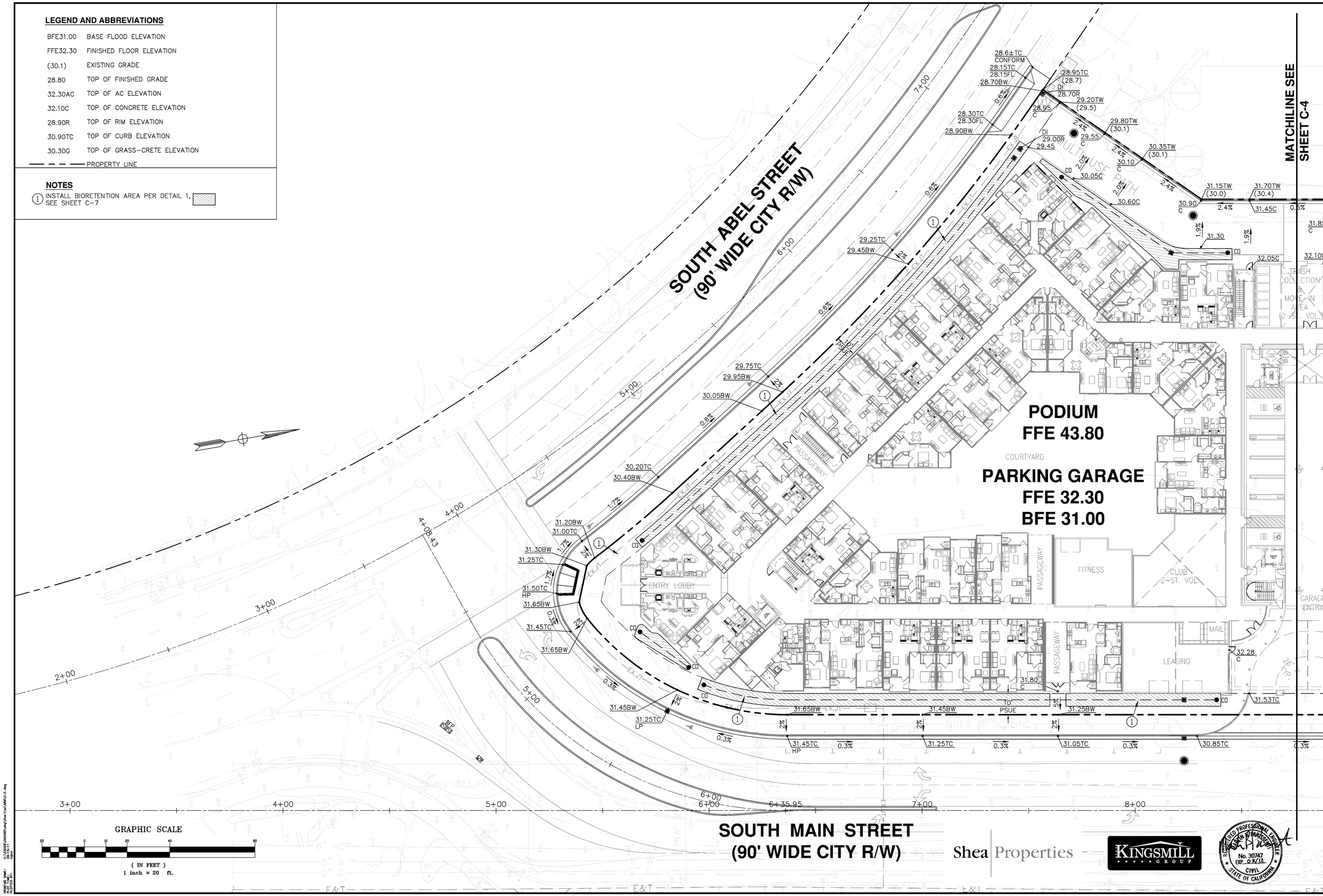
© BKF ENGINEERS

LEGEND AND ABBREVIATIONS

BFE31.00	BASE FLOOD ELEVATION
FFE32.30	FINISHED FLOOR ELEVATION
(30.1)	EXISTING GRADE
28.80	TOP OF FINISHED GRADE
32.30AC	TOP OF AC ELEVATION
32.10C	TOP OF CONCRETE ELEVATION
28.90R	TOP OF RIM ELEVATION
30.90TC	TOP OF CURB ELEVATION
30.30G	TOP OF GRASS-CRETE ELEVATION
— — —	PROPERTY LINE

NOTES

1. INSTALL BIORETENTION AREA PER DETAIL 1, SEE SHEET C-7



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)
BKF ENGINEERS / SURVEYORS / PLANNERS

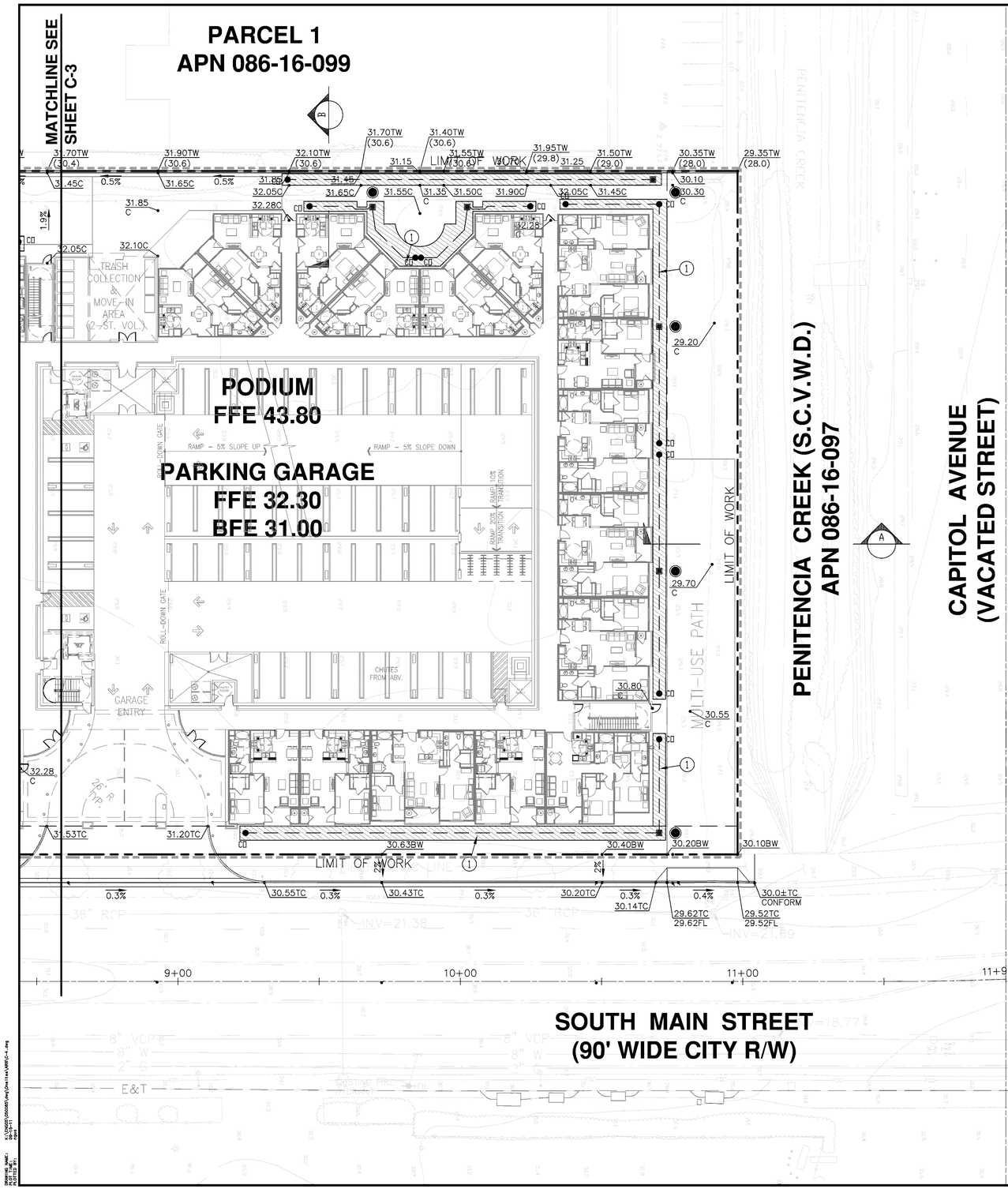
SOUTH MAIN STREET ONSITE IMPROVEMENTS
GRADING AND DRAINAGE PLAN
SANTA CLARA COUNTY, CA
MILPITAS

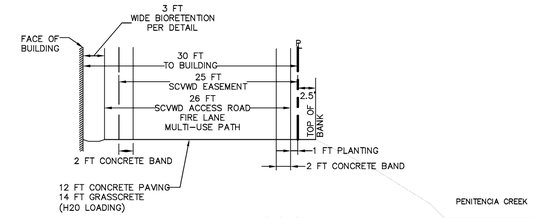
Revisions | No.

Date: 09-15-11
Scale:AS SHOWN
Design: ATN
Drawn: RF
Approved: MBP
Job No:20050085

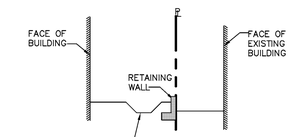
Drawing Number:
C-3
3 OF 7

© BKF ENGINEERS





SECTION A
1"=10'



SECTION B
1"=10'

NOTES

1. INSTALL BIORETENTION AREA PER DETAIL 1, SEE SHEET C-7

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER No. 30747 EXP. 03/12 CIVIL STATE OF CALIFORNIA

1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET ONSITE IMPROVEMENTS
GRADING AND DRAINAGE PLAN

MILPITAS — SANTA CLARA COUNTY, CA

No.	Revisions

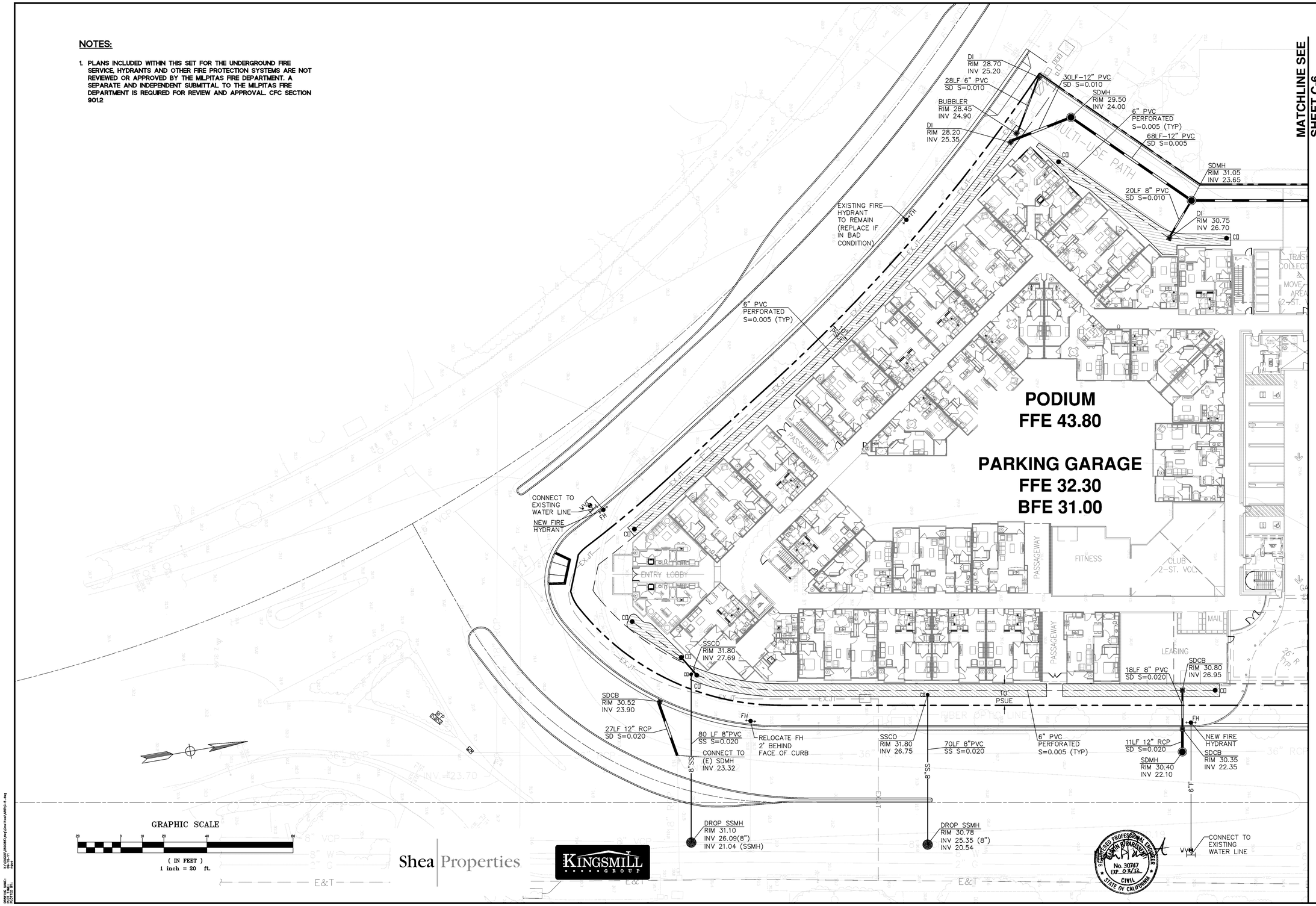
Date: 09-15-11
Scale: AS SHOWN
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

Drawing Number:
C-4

© BKF ENGINEERS

NOTES:

1. PLANS INCLUDED WITHIN THIS SET FOR THE UNDERGROUND FIRE SERVICE, HYDRANTS AND OTHER FIRE PROTECTION SYSTEMS ARE NOT REVIEWED OR APPROVED BY THE MILPITAS FIRE DEPARTMENT. A SEPARATE AND INDEPENDENT SUBMITTAL TO THE MILPITAS FIRE DEPARTMENT IS REQUIRED FOR REVIEW AND APPROVAL. CFC SECTION 901.2



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)
BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET ONSITE IMPROVEMENTS

UTILITY PLAN

SANTA CLARA COUNTY, CA

MILPITAS

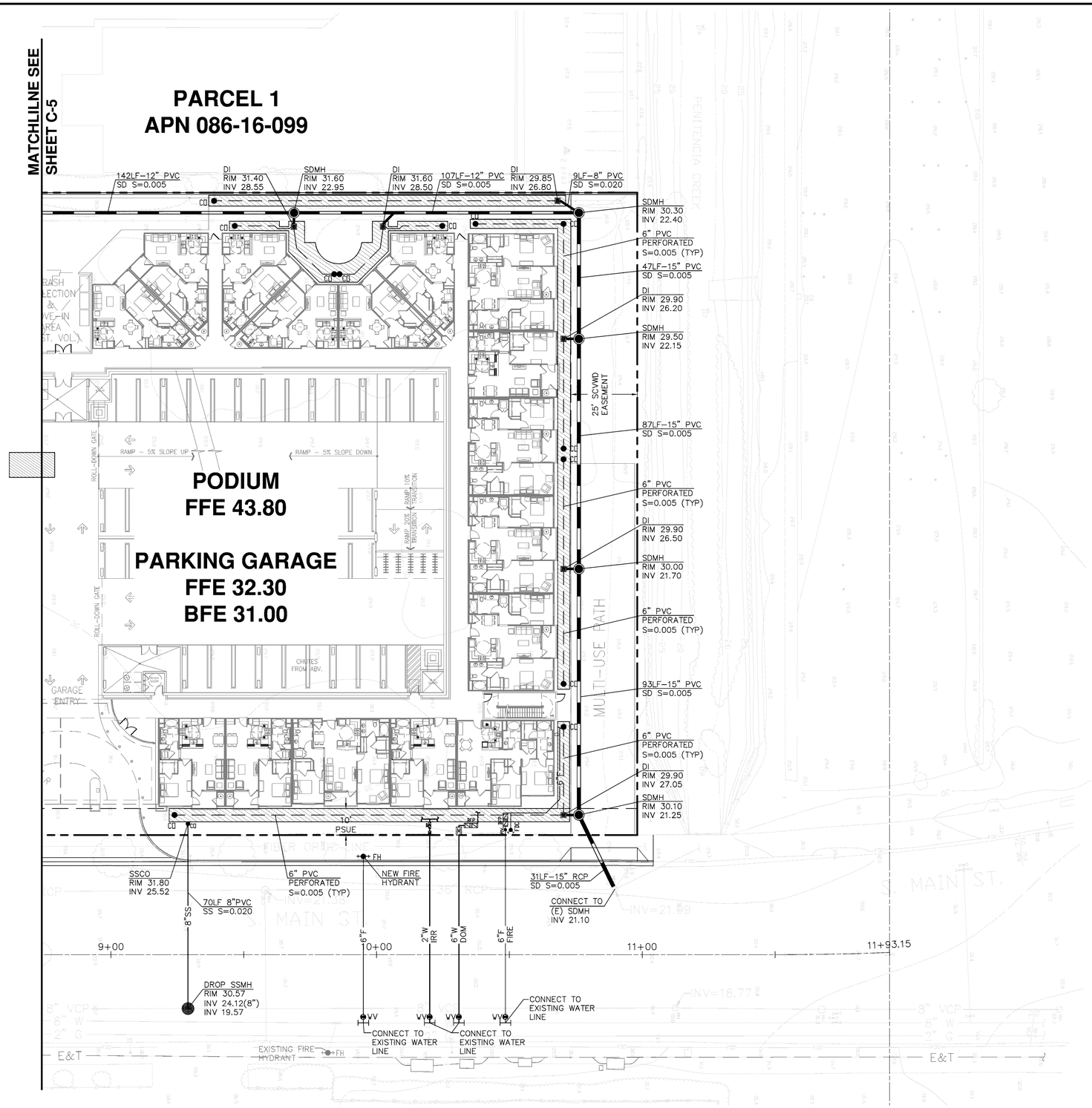
No.	Revisions

Date: 09-15-11
Scale: 1"=20'
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

Drawing Number:
C-5

5 OF 7

© BKF ENGINEERS



NOTES:

1. PLANS INCLUDED WITHIN THIS SET FOR THE UNDERGROUND FIRE SERVICE, HYDRANTS AND OTHER FIRE PROTECTION SYSTEMS ARE NOT REVIEWED OR APPROVED BY THE MILPITAS FIRE DEPARTMENT. A SEPARATE AND INDEPENDENT SUBMITTAL TO THE MILPITAS FIRE DEPARTMENT IS REQUIRED FOR REVIEW AND APPROVAL. CFC SECTION 9012
2. GAS LINE IS SHOWN FOR ALIGNMENT ONLY

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER No. 30767 EXP. 03/12 CIVIL STATE OF CALIFORNIA

1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)
BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET ONSITE IMPROVEMENTS

UTILITY PLAN

SANTA CLARA COUNTY

MILPITAS CA

Revisions

No.	

Date: 09-15-11
Scale: AS SHOWN
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

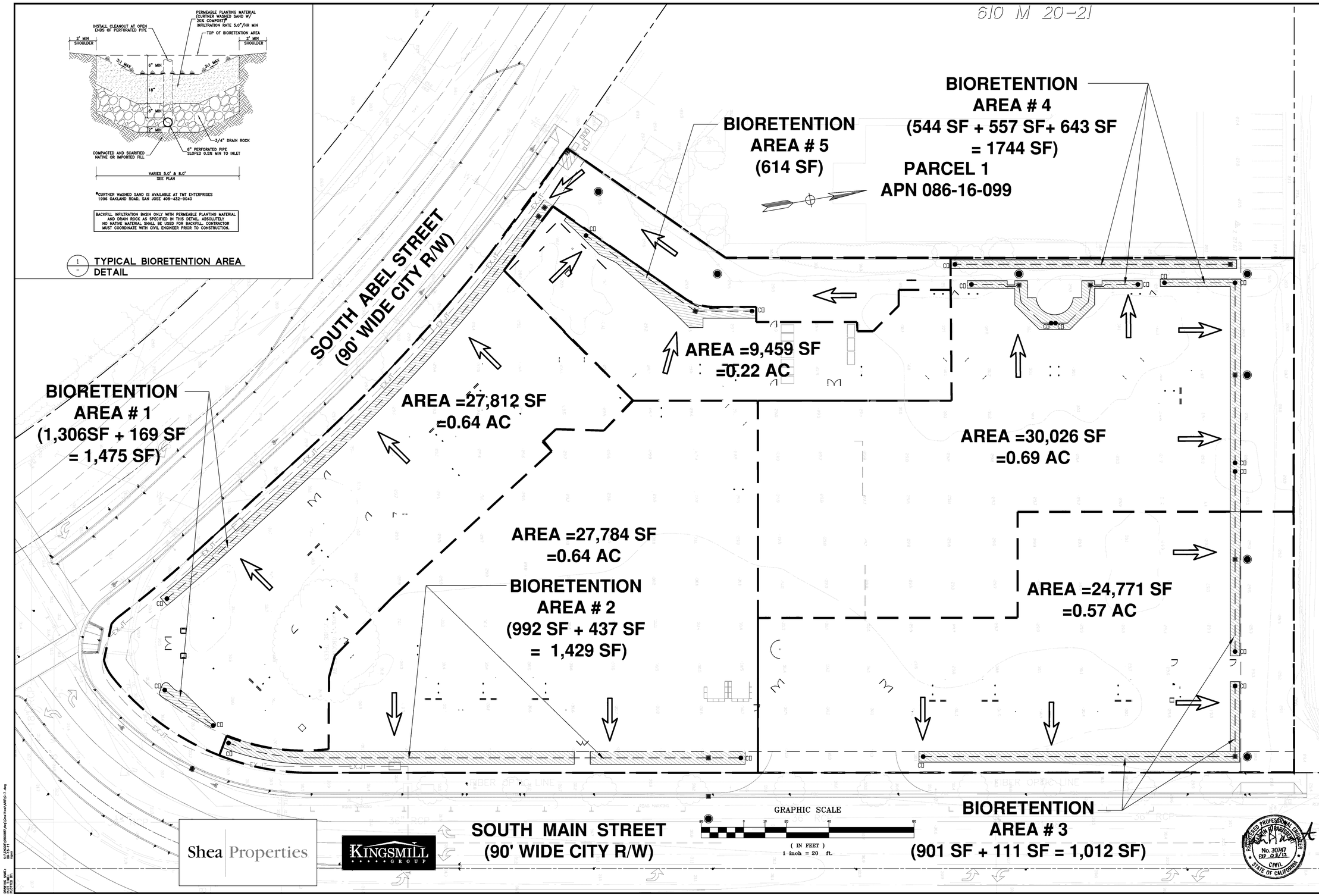
Drawing Number:

C-6

6 OF 7

DRAWING NAME: S:\LS2005\050085\dwg\Sht11x17\UtilP\C-6.dwg
PLOT DATE: 9-15-11
PLOT TIME: 9:01 AM

© BKF ENGINEERS



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)
BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET ONSITE IMPROVEMENTS
STORMWATER MANAGEMENT PLAN

MILPITAS CA
SANTA CLARA COUNTY

No.	Revisions

Date: 09-15-11
Scale: AS SHOWN
Design: ATN
Drawn: RF
Approved: MBP
Job No: 20050085

Drawing Number:
C-7
7 OF 7

S. MAIN STREET & S. ABEL STREET

MILPITAS, CA

SHEA PROPERTIES

130 VANTIS, SUITE 200, ALISO VIEJO, CA 92656 (949) 389-7000

Shea Properties

KINGSMILL GROUP

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

ValleyCrest DesignGroup

PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN

3242 HALLADAY , SUITE 203
SANTA ANA , CA. 92705
LICENSE #1364
(714) 557-5852

11-163 September 15, 2011

© 2011 Architects Orange
These plans are copyright protected. Under such protection unauthorized use is not permitted. These plans shall not be reproduced or used without written permission by Architects Orange.

L1

No.	ITEM	DATE
1	SUBMITTAL	09.15.2011
2	SUBMITTAL	09.15.2011

CASE FILE NUMBERS:
X X

09.15.2011

AGENCY SUBMITTAL 1

© Brian Kangas Foulk

SOUTH MAIN STREET TENTATIVE MAP FOR CONDOMINIUM PURPOSES

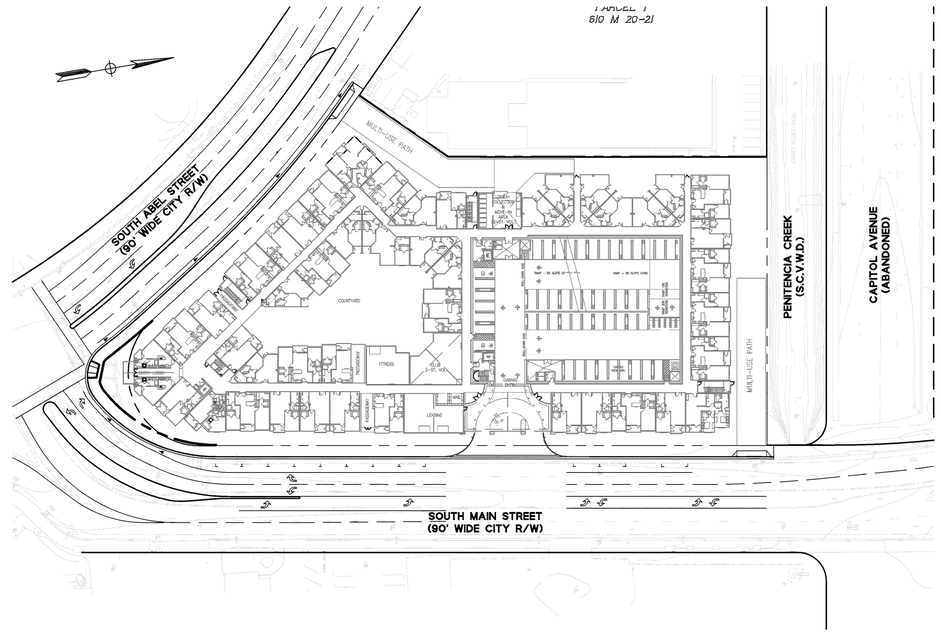
CITY OF MILPITAS, CALIFORNIA

ABBREVATIONS & LEGEND

PROPERTY LINE	
LOT LINE	
CONTOUR LINE	39
STORM DRAIN MAIN	30" SD (RCP)
SANITARY SEWER MAIN	10" SS (VCP)
WATER MAIN	8"W (ACP)
JOINT TRENCH	ELEC
GAS LINE	6"G (ABS)
WATER VALVE	WV
FIRE HYDRANT	
SIGN	
ELECTROLIER	
GAS VALVE	GV
FENCE LINE	X
ASPHALTIC CONCRETE	AC
AREA DRAIN	AD
BUILDING CORNER	BLDG COR
CATCH BASIN	CB
CONCRETE	C/CONC
CHAIN LINK FENCE	CLF
ELECTRIC	E/ELEC
EDGE OF PAVEMENT	EP
FOUND	FND
GAS	G
HANDICAP RAMP	HCR
HIGH POINT	HP
INVERT	INV
LIP OF GUTTER	LG
MANHOLE	MH
POWER POLE	PP
PUBLIC SERVICE,UTILITY EASEMENT	P.S.U.E.
RIM	R
STORM DRAIN CATCH BASIN	SDCB
STORM DRAIN DROP INLET	SDDI
STORM DRAIN MANHOLE	SDMH
SANITARY SEWER CLEANOUT	SSCO
SANITARY SEWER MANHOLE	SSMH
TOP OF CURB/FACE OF CURB	TC/FC
WATER VALVE	WV

TABLE OF CONTENTS

SHEET	DESCRIPTION
TM-1	TITLE SHEET
TM-2	MAP SHEET
TM-3	PRELIMINARY GRADING AND DRAINAGE PLAN
TM-4	PRELIMINARY UTILITY PLAN
TM-5	CONDITIONS OF APPROVAL



SITE MAP

1" = 60'

GENERAL NOTES

1. OWNER: MATTESON PROPERTIES
ONE LAGOON DRIVE, SUITE 200
REDWOOD CITY, CA 94065-1562

2. DEVELOPER: SHEA PROPERTIES
130 VANTIS, SUITE 200
ALISO VIEJO, CA 92656
(949) 389-7286

3. MAP PREPARED BY: MARTIN B. PARISSENTI, P.E.
R.C.E. 30747
BKF ENGINEERS
CONSULTING ENGINEERS
1650 TECHNOLOGY DR., SUITE 650
SAN JOSE, CA 95110
(408) 467-9100

4. FIELD TOPOGRAPHY AND EXISTING UTILITIES BY BKF ENGINEERS, 1650 TECHNOLOGY DRIVE, SUITE 650, SAN JOSE, CA 95110 (408)467-9100

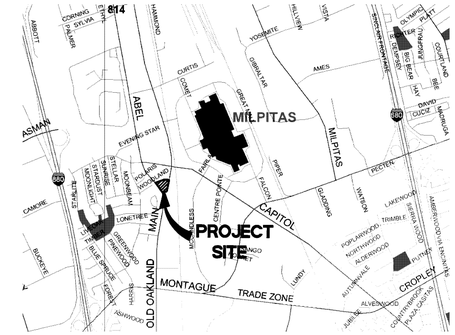
AERIAL TOPOGRAPHY BY AERO-GEODETIC CORPORATION, 1180 COLEMAN AVENUE, SAN JOSE, CA 95110 (408)298-3600

5. THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF MILPITAS.

6. ALL OWNERS AND RESIDENTS HAVE ACCESS AND INGRESS/EGRESS RIGHTS FOR THE COMMON AREAS OF THE PARKING GARAGE UNIT.

7. ALL OWNERS AND RESIDENTS HAVE ACCESS AND INGRESS/EGRESS RIGHTS FOR THE COMMON AREAS ON THE PODIUM.

8. THE PROPOSED SITE SHALL BE A ONE LOT CONDOMINIUM PROJECT BASED ON A FINAL MAP.



VICINITY MAP

N.T.S.

NOTES

1. ASSESSORS PARCEL NO.: 086-16-100
2. EXISTING LAND USE: VACANT
3. PROPOSED LAND USE: RESIDENTIAL
4. EXISTING ZONING: MUTI-FAMILY RESIDENTIAL, VERY HIGH DENSITY, TRANSIT ORIENTED DEVELOPMENT OVERLAY
5. WATER: CITY OF MILPITAS
6. SANITARY SEWER: CITY OF MILPITAS
7. STORM DRAIN: CITY OF MILPITAS
8. ACREAGE OF PROPOSED PARCEL =2.76 ACRES
9. PROPOSED NUMBER OF RESIDENTIAL CONDOMINIUM UNITS = 204 (TOTAL UNIT COUNT SHOWN IS BASED ON CONCEPT PLANS. FOR PURPOSE OF THE SITE DEVELOPMENT PERMIT, 204 UNITS ASSUMED)
10. PROPOSED NUMBER OF RESIDENTIAL PARKING GARAGE CONDOMINIUM UNIT = 1
11. GAS & ELECTRIC: PG & E
12. TELEPHONE: SBC
13. CABLE TV: AT & T
14. STREET TREES: INSTALLED PER SOUTH MAIN/ABEL PLAN LINE STUDY
15. WATER, SEWER & STORM FACILITIES: ALL ON-SITE FACILITIES WILL BE PRIVATE AND MAINTAINED BY HOA
16. EXISTING WELLS ON-SITE: NONE
17. STREET LIGHTS: INSTALLED PER SOUTH MAIN/ABEL PLAN LINE STUDY
18. SOUND WALLS AND MASONARY WALLS: ALL WALLS WILL BE PRIVATE FACILITY AND MAINTAINED BY HOA
19. FLOOD ZONE: AO (DEPTH 1 FT.) FIRM PANEL 060344 0003 G, 06/22/1998
20. DATUM: CITY OF MILPITAS DATUM NGVD29. FOUND CITY OF MILPITAS BENCH MARK "CAP=MAI" 3 1/2" PUNCHED BRASS DISK IN MON. WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED "1594-334, NO. 2, CITY OF MILPITAL", ELEVATION = 30.076 FEET
21. ALL IMPROVEMENTS ALONG MAIN AND ABEL STREETS ARE TO BE IN ACCORDANCE WITH CITY OF MILPITAS SOUTH MAIN/ABEL STREET PLAN LINE STUDY. IMPROVEMENTS TO INCLUDE: RAISED MEDIAN, LANDSCAPING, DECORATIVE LIGHTING, SIDEWALK AND STREET FURNITURE.

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER MARTIN B. PARISSENTI No. 30747 EXP. 03/12 CIVIL STATE OF CALIFORNIA

981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408/467-9199 (FAX)

BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET
TENTATIVE MAP
TITLE SHEET

MILPITAS CALIFORNIA

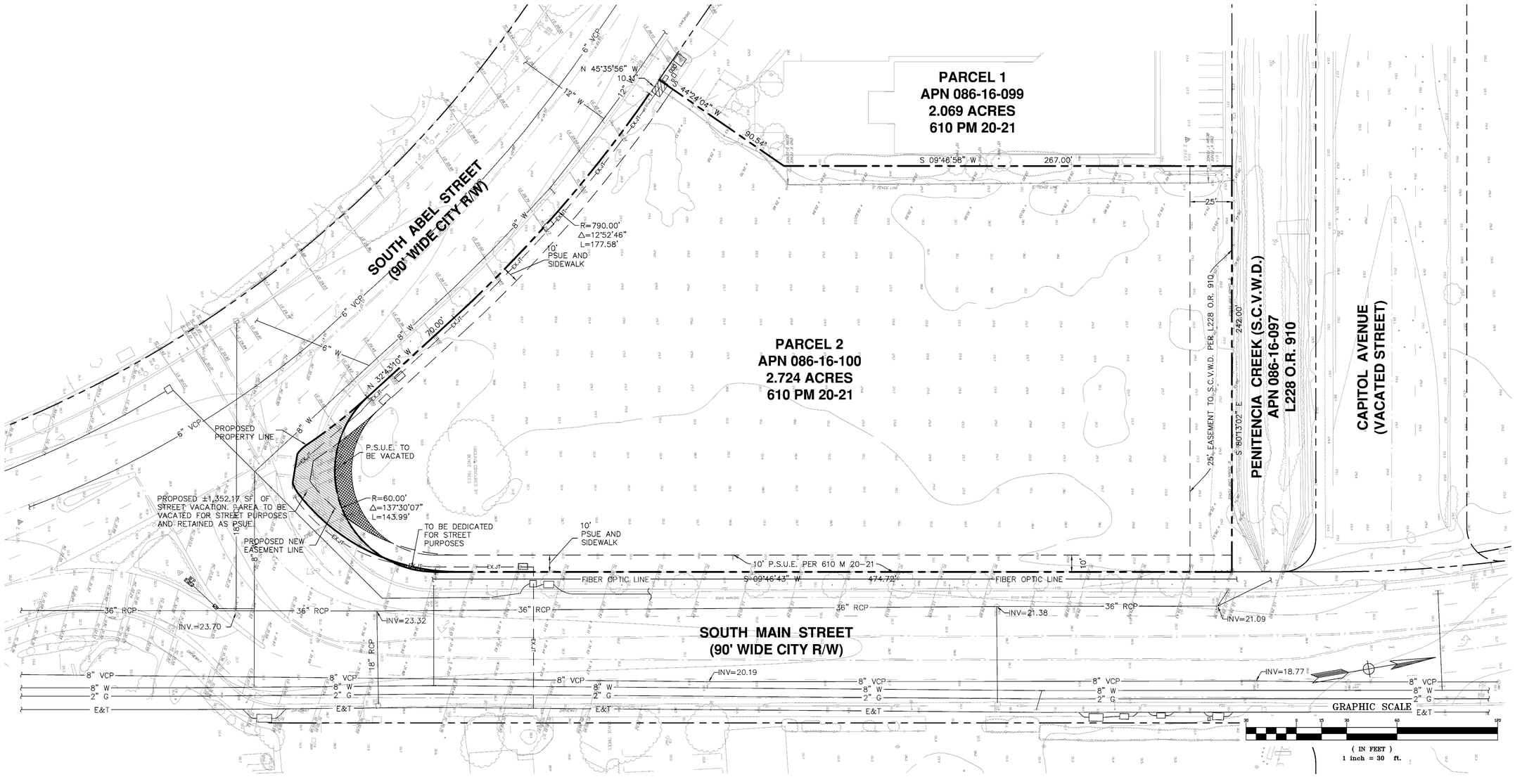
No.	Revisions

Date 09-15-11
Scale NONE
Design ATN
Drawn ATN
Approved MBP
Job No. 2500S5-10

Drawing Number:
TM-1
1 OF 5

DRAWING NAME: C:\Temp\AcPublish_5920\TM01.DWG
PLOT DATE: 09-15-11 1:31 pm PLOTTED BY: mguo

© Brian Kangas Foulk



BENCH MARK:

FOUND CITY OF MILPITAS BENCH MARK "CAP=MAI" 3 1/2" PUNCHED BRASS DISK IN MON. WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED "1594–334, NO. 2, CITY OF MILPITAS", ELEVATION = 30.076 FEET; DATUM IS CITY OF MILPITAS'S NGVD29.

BASIS OF BEARINGS:

THE BEARING SOUTH 80°13'02" EAST BETWEEN THE TWO FOUND MONUMENTS ON THE CENTER LINE OF CAPITOL AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON FEBRUARY 9TH, 1990 IN BOOK 610 OF MAPS AT PAGES 20 AND 21, SANTA CLARA COUNTY RECORDS.

FLOOD ZONE DATA: FIRM 060344 0003 G, 06/22/1998

THIS SITE IS IN FLOOD ZONE "AO (DEPTH 1 FT.)"; SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100–YEAR FLOOD; FLOOD DEPTH OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING; VELOCITIES ALSO DETERMINED.

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER
ALAN N. HARGRAVE
No. 30767
EXP. 6/31/12
CIVIL
STATE OF CALIFORNIA

981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408/467–9199 (FAX)

BKF
ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET VESTING TENTATIVE MAP

MAP SHEET

MILPITAS CALIFORNIA

No.	Revisions

Date 09-15-11
Scale 1"=30'
Design ATN
Drawn ATN
Approved MBP
Job No 050085-10

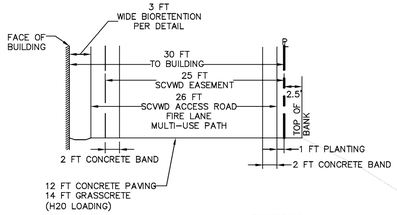
Drawing Number:

TM-2

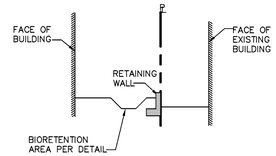
2 OF 5

DRAWING NAME: K:\CMPD\050085\dwg\MAP\TVTMP2.DWG
PLOT DATE: 09-15-11 2:08 pm
PLOTTED BY: Tone

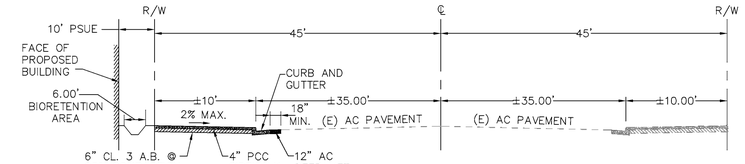
© Brian Kangas Foulk



SECTION A
1"=10'



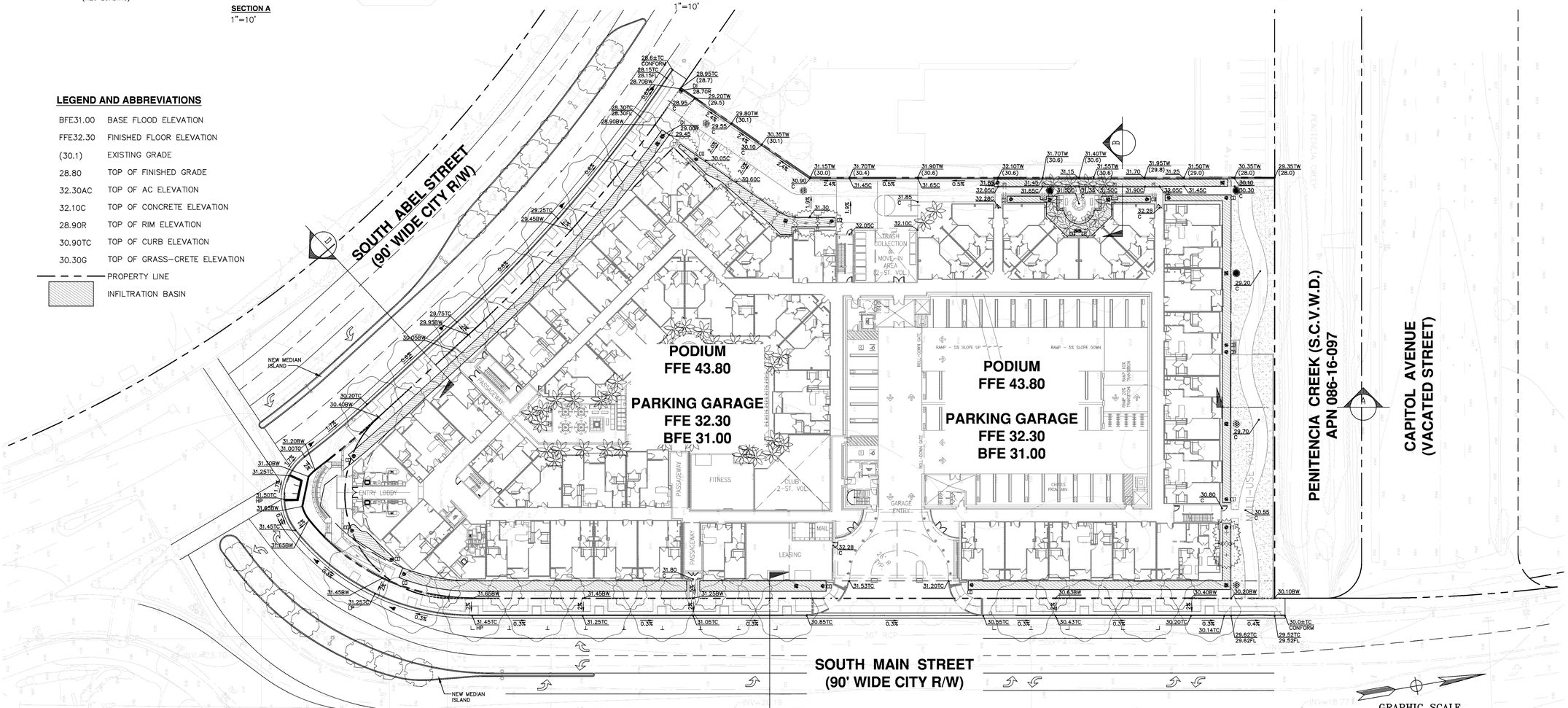
SECTION B
1"=10'



SECTION D-D (S. ABEL ST.)
NOT TO SCALE

LEGEND AND ABBREVIATIONS

BFE31.00	BASE FLOOD ELEVATION
FFE32.30	FINISHED FLOOR ELEVATION
(30.1)	EXISTING GRADE
28.80	TOP OF FINISHED GRADE
32.30AC	TOP OF AC ELEVATION
32.10C	TOP OF CONCRETE ELEVATION
28.90R	TOP OF RIM ELEVATION
30.90TC	TOP OF CURB ELEVATION
30.30G	TOP OF GRASS-CRETE ELEVATION
— — —	PROPERTY LINE
	INFILTRATION BASIN



FLOOD ZONE DATA: FIRM 060344 0003 G, 06/22/1998

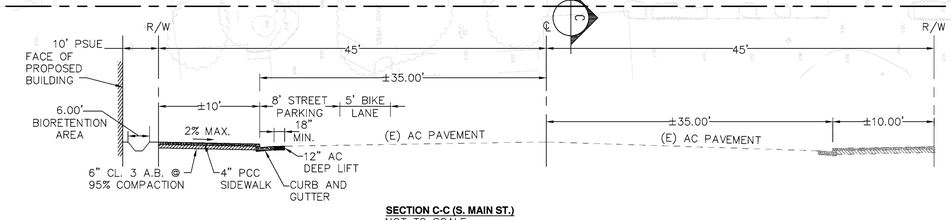
THIS SITE IS IN FLOOD ZONE "AO (DEPTH 1 FT.)"; SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD; FLOOD DEPTH OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING; VELOCITIES ALSO DETERMINED.

BASIS OF BEARINGS:

THE BEARING SOUTH 80°13'02" EAST BETWEEN THE TWO FOUND MONUMENTS ON THE CENTER LINE OF CAPITOL AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON FEBRUARY 9TH, 1990 IN BOOK 610 OF MAPS AT PAGES 20 AND 21, SANTA CLARA COUNTY RECORDS.

BENCH MARK:

FOUND CITY OF MILPITAS BENCH MARK "CAP=MAI" 3 1/2" PUNCHED BRASS DISK IN MON WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED "1594-334, NO. 2, CITY OF MILPITAS", ELEVATION = 30.076 FEET; DATUM IS CITY OF MILPITAS'S NGVD29.



SECTION C-C (S. MAIN ST.)
NOT TO SCALE

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER No. 30747 EXP. 03/12 CIVIL STATE OF CALIFORNIA

981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408/467-9199 (FAX)

BKF ENGINEERS / SURVEYORS / PLANNERS

SOUTH MAIN STREET VESTING TENTATIVE MAP
PRELIMINARY GRADING AND DRAINAGE PLAN
MILPITAS CALIFORNIA

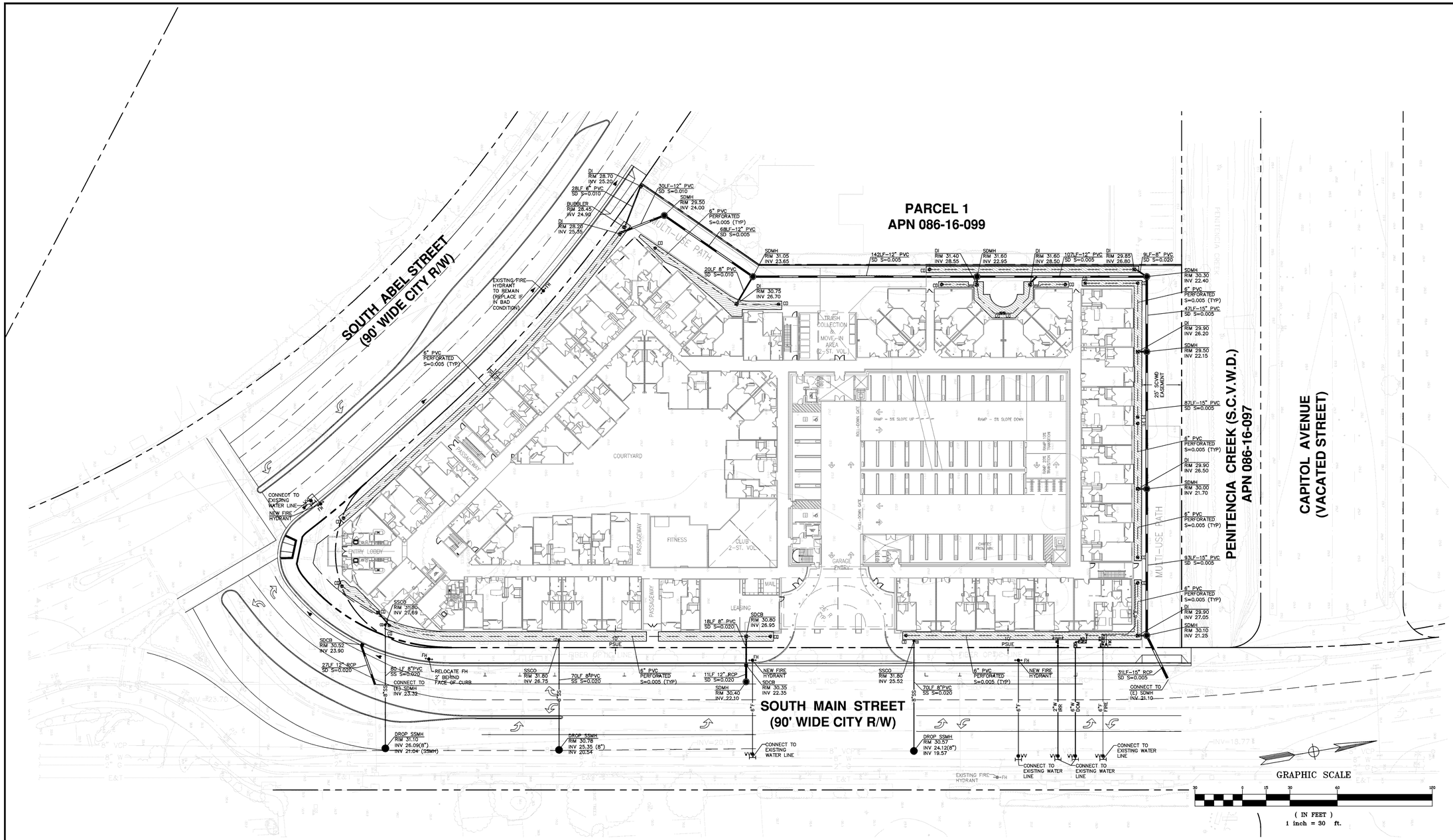
No.	Revisions

Date 09-15-11
Scale 1"=30'
Design ATN
Drawn ATN
Approved MBP
Job No. 050885-19

Drawing Number:
TM-3
3 OF 5

DRAWING NAME: K:\DRGS\050885\dwg\TMAP\TMTM03.DWG
PLOT DATE: 06-15-11 2:10 pm PLOTTED BY: mpuo

© Brian Kangas Foulk



BENCH MARK:

FOUND CITY OF MILPITAS BENCH MARK "CAP=MAI" 3 1/2" PUNCHED BRASS DISK IN MON WELL AT INTERSECTION OF SOUTH MAIN STREET AND CAPITOL AVENUE, STAMPED "1594-334, NO. 2, CITY OF MILPITAS", ELEVATION = 30.076 FEET; DATUM IS CITY OF MILPITAS'S NGVD29.

BASIS OF BEARINGS:

THE BEARING SOUTH 80°13'02" EAST BETWEEN THE TWO FOUND MONUMENTS ON THE CENTER LINE OF CAPITOL AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON FEBRUARY 9TH, 1990 IN BOOK 610 OF MAPS AT PAGES 20 AND 21, SANTA CLARA COUNTY RECORDS.

FLOOD ZONE DATA: FIRM 060344 0003 G, 06/22/1998

THIS SITE IS IN FLOOD ZONE "AO (DEPTH 1 FT.)"; SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD; FLOOD DEPTH OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING; VELOCITIES ALSO DETERMINED.

Shea Properties

KINGSMILL GROUP

REGISTERED PROFESSIONAL ENGINEER ALAN T. NAKAMURA No. 30747 EXP. 03/12 CIVIL STATE OF CALIFORNIA

BKF ENGINEERS / SURVEYORS / PLANNERS
981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408/467-9199 (FAX)

SOUTH MAIN STREET VESTING TENTATIVE MAP
PRELIMINARY UTILITY PLAN

MILPITAS CALIFORNIA

No.	Revisions

Date 09-15-11
Scale 1"=30'
Design ATN
Drawn ATN
Approved MBP
Job No 050925-10

Drawing Number:
TM-4
4 OF 5

DRAWING NAME: K:\DWGS\050925\dwg\TMAP\TTM04.DWG
PLOT DATE: 09-15-11 2:13 pm PLOTTED BY: mpco

DRAWING NAME: K:\ENGDS\050085\dwg\TMAP\THTM05.DWG
PLOT DATE: 09-15-11 1:51 pm PLOTTED BY: ngue

Shea Properties

KINGSMILL GROUP

Date 09-15-11	No.	Revisions
Scale NO SCALE		
Design ATN		
Drawn ATN		
Approved MBP		
Job No 050085-10		

Drawing Number:
TM-5
5 OF 5

SOUTH MAIN STREET
VESTING TENTATIVE MAP
CONDITIONS OF APPROVAL

MILPITAS CALIFORNIA

BKF
ENGINEERS / SURVEYORS / PLANNERS

981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131

408/467-9199 (FAX)

© Brian Kangas Foulk

ATTACHMENT D

1201 SOUTH MAIN STREET • MILPITAS

SITE DEVELOPMENT & TENTATIVE MAP (P-SD11.0011)
2ND SUBMITTAL • SEPTEMBER 15, 2011

Shea Properties.

KINGSMILL GROUP

Introduction

1201 S. Main Street

New Multi-Family Residential Community

2.8 Acres

204 Units

Shea Properties and The Kingsmill Group are pleased to present the City of Milpitas with this development proposal for a new multi-family residential community located at the intersection of South Main Street and South Abel Street. Shea Properties will be the owner, builder and manager of the proposed multi-family residential community, which has been designed as a "Class A" apartment.

The proposed development is in conformance with the City's General Plan and Zoning, providing needed housing within the City's regulatory framework. The development is aligned with the development objectives of the Transit Overlay designation and other planning guidelines, and will provide a high-quality multifamily community upon an important corner of the City. The overall approach is to create a highly-amenitized apartment community with features that provide the feel of a resort environment. This perspective is the basis from which project details have been designed, including architectural styling, the corner treatment, amenities, private open space areas, and vehicular and pedestrian entries.

This narrative outlines specific details of the development proposal, and also presents important design, site, and regulatory factors that have influenced the current plan. It is intended to be used in conjunction with other submittal documents, including architecture, planning and engineering exhibits.

Site Overview

This project is set upon a parcel of approximately 2.8 (+/-) acre at the intersection of South Main Street and South Abel Street. Despite its proximity to high-intensity land uses and transit, the site has remained vacant. Just recently, the property was leased for use as a construction staging area for the nearby Centria Phase II construction project. At the time of submittal, it is occupied by several temporary trailers and building materials.

The property is within a mile of I-880, and conveniently located within 500 feet of the Light Rail System where station access is provided at the intersection of Great Mall Parkway and Main Street. Just beyond the Light Rail System is The Great Mall of the Bay Area, one of the largest retail centers in the Bay Area.

North and northwest of the development site is a single-family residential community known as the Starlite Pines, and an existing commercial development named Liberty Plaza. East of the site are miscellaneous commercial/industrial uses, notably a storage yard and veterinary hospital. This area is zoned Residential (R4) in the Midtown Specific Plan. The north edge of the property is bounded by Penitencia Creek, an engineered open flood-control channel. Across the creek to the north is the Centria development, a high-density residential community first built in 2007/8 and currently undergoing construction of phase two.

Background

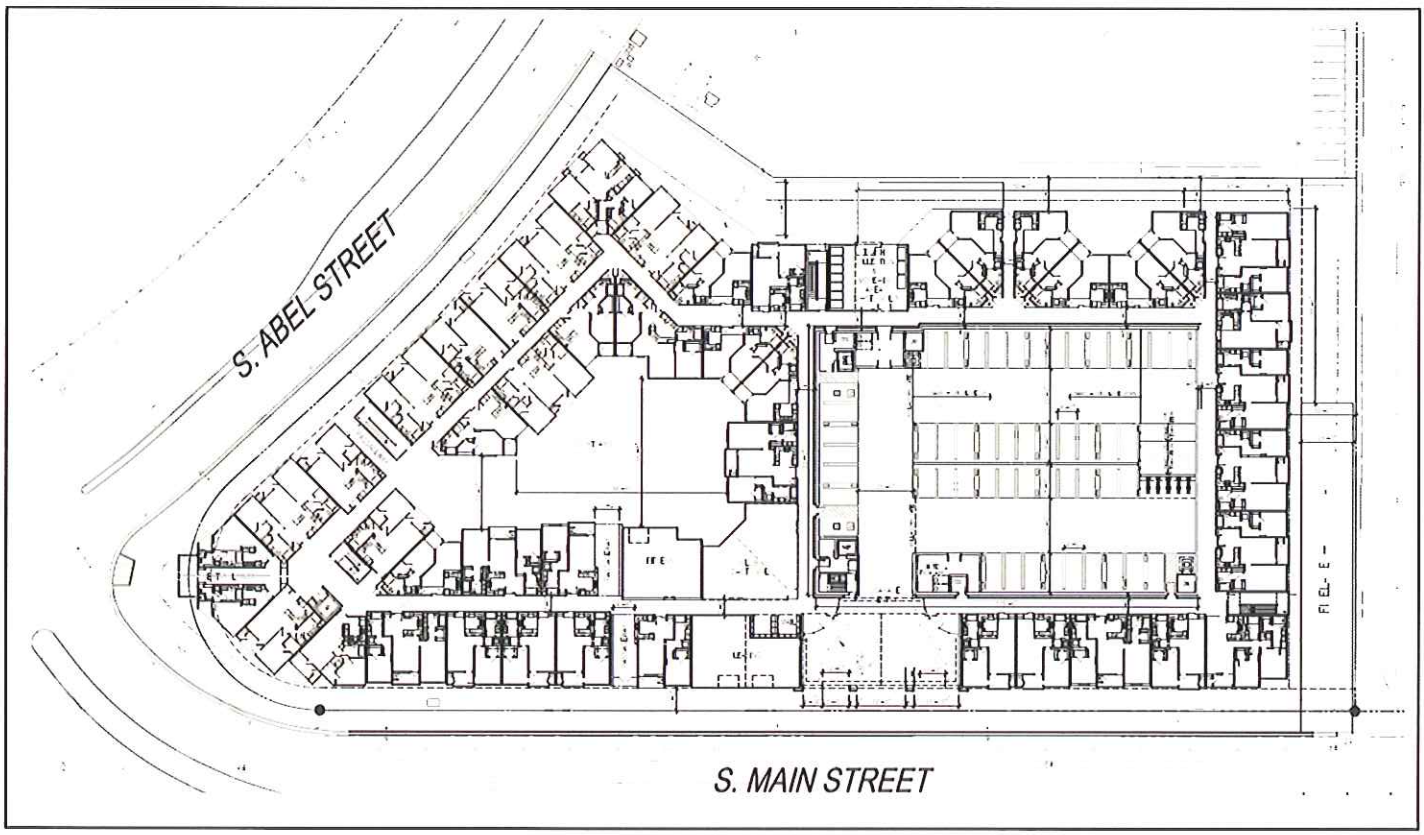
Midtown Specific Plan

Zoned Residential (R4)

Transit Oriented Development Overlay

In 2007, this site was granted approval for a multi-family housing development consisting of 126 condominium units and 2,800 square feet of retail space. The previous applicant obtained a variety of planning approvals such as a general plan amendment, a zoning change, site plan approval, and others. Some of these entitlements remain in effect, while others have expired. Upon receiving approval in 2007, the project made significant progress through City's permitting processes before ultimately being placed on hold due to the economic downturn. These approvals are summarized as follows:

- GP2006-2, General Plan Amendment – In Effect
- ZC2006-2, Zone Change – In Effect
- MA2006-3, Tentative Map – Expired
- SZ2006-7, Site Plan and Architectural Approval – Expired
- EA2006-5, Environmental Impact Assessment (MND)



Project Description

Requested Entitlements:

- *Site Development Permit*
- *Tentative Tract Map*
- *Conditional Use Permit for the condominium map*
- *Regulatory agreement for affordable housing*

As the applicant, we are requesting approval of a Major Tentative Tract Map per Section XI-1-4.00 (Tentative Map) of Subdivision Ordinance; vacation of right-of-way at the intersection of South Main Street and South Abel Street, and approval for a Site Plan and Architectural ("S" Zone) per section 42 of the Zoning Ordinance for the construction of a high density residential development multi-family development. The requested approval of the development will permit the construction of 204 residential units in accordance with State and City Density Bonus regulations, and associated improvements that are summarized as follows:

- Enhanced architectural and landscape elements at the intersection of South Main Street and South Abel Street. Improvements include a tower element with material and lighting enhancements, water features, seating and enhanced landscape to provide a sense of presence and arrival.
- On-site parking accommodated within a concealed parking structure, having 5 to 6 levels and not to exceed the established building height restrictions.
- Resident amenities: business center, game room, recreational amenities such as a basketball court, outdoor pool and spa, outdoor barbeque and lounge areas, and private gardens.
- On-site leasing and property management office.
- Perimeter improvements, including fencing and landscaping along the northwest property boundary.
- SCVWD easement improvements along Penitencia Creek to accommodate limited landscape, benches, and a 6-foot concrete section to function as a multi-use path.
- Vacation of right-of-way at the intersection of South Main Street and South Main Street intersection.
- Improved public streetscape along the development frontage in conformance with the Main Line Study, and associated fee credit.
- South Main Street and South Abel Street intersection improvements in conformance with the Main Line Study, and associated fee credit.

Density Bonus

Density Bonus law is established at the state level and applied locally. It grants an increase of residential dwelling units and related development incentives within a development project in exchange for the provision of below market rate (BMR) housing. The state Density Bonus will be sought for this project in accordance with Chapter 4.3 of Title 7 of the Government Code, Section 65915, et seq.

Density Bonus Calculation

20% Density Bonus Calculation

Property AC *with Vacation of R/W*	2.83
Maximum Units per Zoning *Per TOD Overlay – Max. 60/DU per AC*	170
Maximum Units with Density Bonus at 20%	204
Maximum Dwelling Units Proposed	**204**
Market Rate Units	195
BMR (Very Low) *Based on 5% of Baseline Units per Zoning*	9

In accordance with the State Density Bonus regulations, when an applicant seeks a density bonus for a housing development within a jurisdiction, that local government shall provide the applicant with incentives or concessions for the production of affordable housing units. When 5% Very Low income units are proposed (as in the case of this submittal), the State Density Bonus regulations permit up to one incentive or concession.

Therefore, the applicant is seeking one incentive: to permit a minimum 2-foot front setback from back of sidewalk. A wider setback (larger than 2 feet) may be accommodated by the development, depending on final site development drawings. Per the Transit Oriented Development (TOD) Overlay, City Ordinance (XI-10-12.06), the required front setback is 8 to 15-feet, as measured from back of sidewalk. The modified (reduced) setback dimension will help the project accommodate the increased number of units and desired amenities.

The applicant and the City will enter into an agreement to ensure the BMR units are leased and managed in accordance with State and City Density Bonus regulations.

Unit Size and Floor Plans

Up to 204 residential housing units are proposed for the site, with the current site plan accommodating 203 units. The breakdown of bedrooms with the 203 unit development is made up of 4 studio units, 116 one-bedroom units and 83 two-bedroom units. The average unit size across for the entire project area is approximately 907 square feet, ranging from 498 square feet to 1,446 square feet.

The units of the project are designed as open floor plans with patios and balconies. They also feature living and dining areas and walk-in closets.

The following table shows the unit mix for the site. This table includes BMR housing units (see "Density Bonus" discussion).

Current Plan Unit Summary[1]

Unit Type	Unit Count	Range of Square Feet	Total Square Feet
Studio	4	498 to 611	2,218 SF
One Bedroom (1BA)	116	720 to 893 SF	87,307 SF
Two Bedroom (2BA)	83	1,037 to 1,446 SF	94,482 SF
Development Total	**203**	**498 to 1,446 SF**	**184,139 SF**

1. Unit summary is based on plan set dated September 15, 2011. Given the constraints of the development site, the final unit count, type and square feet will be established with final design drawings. Requested entitlements are for a maximum of 204 units, with the application of the Density Bonus.

Parking

The proposed development will exceed the required parking, providing up to 340 vehicle parking spaces, 54 bicycle parking spaces, 13 motorcycle spaces and 8 handicap parking spaces. All required parking is provided on-site in a central parking garage having up to six levels. The residential units will surround and conceal the parking garage located within the interior of the site. The following table summarizes the required and provided parking.

Parking Summary

Unit Type	Number of Units	Stalls/Unit per Transit Area Overlay	Parking Stalls
Studio	4	0.80	4
1 BR	116	1.20	140
2 BR	83	1.60	133
3 BR	0	1.60	N/A
Total	203	1.36	277
Guest		0.15	42
Total Required			**319**
Residential Parking			340
Total Vehicle Parking Provided			**340**
Replacement Value (Bicycles & Motorcycles)			16
TOTAL PARKING			**356**

Allowable Standard Stall Replacement Zoning XI-10-53.13	
Replaced Standard Stalls By Bicycle Parking @ 8:1 Ratio	7
Replaced Standard Stalls By Motorcycle Parking @ 2:1 Ratio	9
Total (*Max Allowed = 5% of Required Parking = 16 stalls*)	**16**

Parking Summary

(Continued)

Accessible Parking Stalls			Required
Dwelling Stalls	277	2%	6
Visitor parking	42	5%	2
Accessible Van Parking	1 per 8 Accessible stalls		1
Total Accessible Parking Provided			**9**

Bicycle Parking				
Use	**Standards**	**Required**	**Provided**	**Notes**
Residential	1/4 DU	50.75	51	
Guest	5% of Required Parking	2.54	3	Racks Accessible from Street
Total Bicycle Parking Provided			**54**	

Height and Massing

The residential phase of the development is designed as a four-story building, and includes some lofts (mezzanines). The height of the building along the residential structure varies from 46-feet and 4-inches to 54-feet and 7-inches, and up to 72-feet at the corner architectural feature (tower) located at the corner of Main Street and Abel Streets.

The parking garage is centrally located within the interior of the site, as the residential buildings "wrap" around the garage, concealing it from view. The garage contains up to six levels of parking above grade, and feature:

1) At typical roof level: 54-feet and 7-inches
2) At mezzanine level: 59-feet
3) At top of parking structure: 61-feet

The development site is located within the Transit Oriented Development Overlay (XI-10-12.06), which permits a building height up to 6 stories and 75-feet. Therefore, the project meets the height limits specified by the planning code.

Architecture

The architectural style is contemporary Italianate. The architectural style of the building was developed to offer classic styling, as well as provide a transition from the single family residential community to the south to the higher density to the north.

The contemporary Italianate style is achieved with the use of traditional hip and gable roof forms, combined with simple parapet roofs. This combination of architectural roof elements create an articulated and varied roof line that breaks up the building's mass.

Units on the fourth floor feature lofts (mezzanines), which contribute further to a varied roof line and assist to conceal the parking structure from the street view.

Additional design elements include concrete tile roofing, pre-fabricated cornice molding and trims, canopies, wrought iron railings and accents, and roof top trellises. The facade of the residential building will consist of stucco, with brick and stone accents at the base of the tower and the project's main entry.

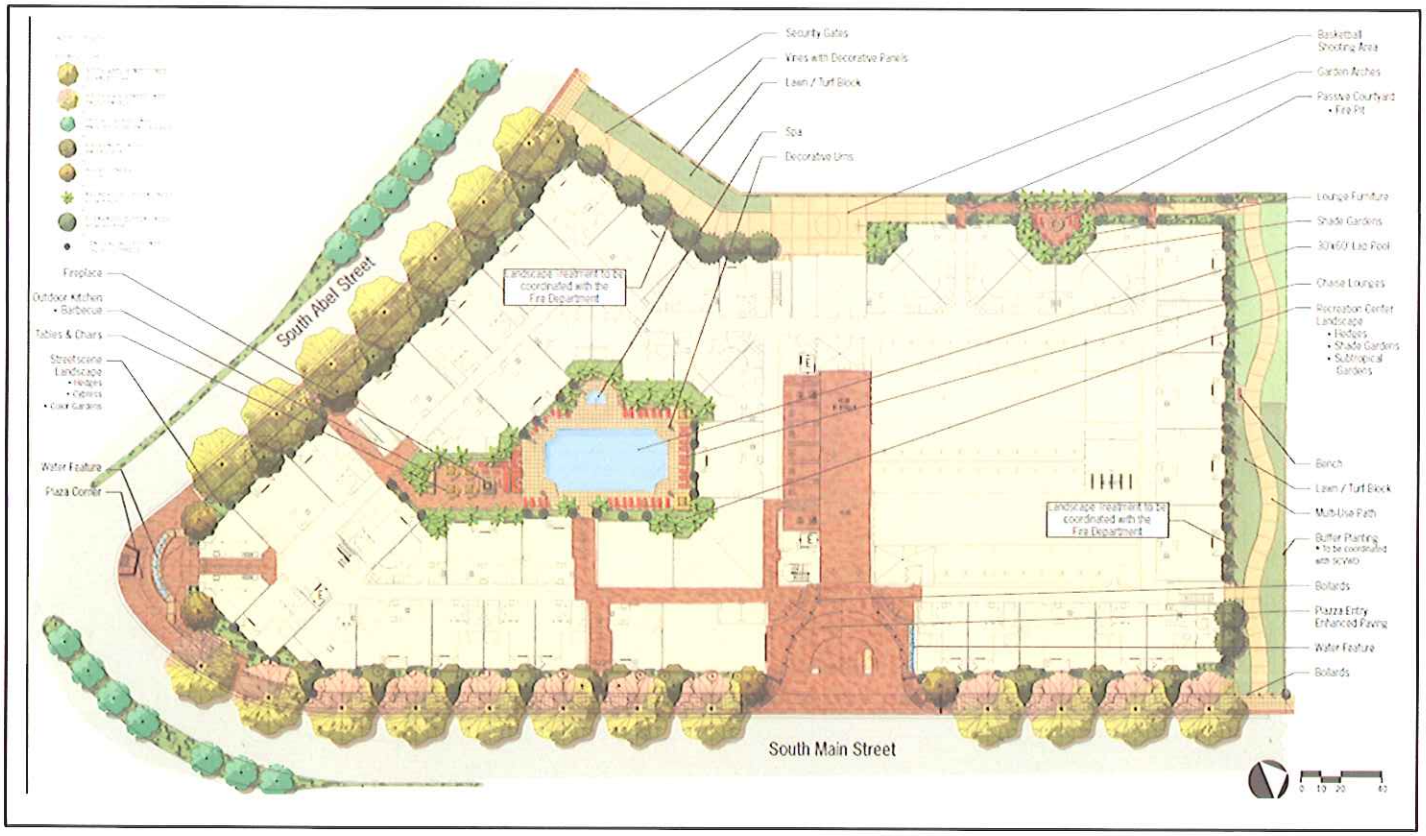
Additional discussion of the corner architecture can be found in the "Site Design Factors" section of this narrative.

Landscape Architecture

The Landscape follows the Italianate architectural style with the use of formal city street trees, large-specimen olive trees at the entries and corner landscape, Italian cypress along the building perimeter of Main Street and Abel Street, border hedges, colorful accent plantings and hedge backdrop planting forms to soften the base of the buildings. This combination of landscape elements creates a vertical element to break up the building's mass and creates a pedestrian-friendly, colorful streetscape along its edges. The residence entry is accentuated with large-specimen olive trees, enhanced paving, accent lighting and landscape that soften the architecture to enhance the arrival experience.

The central recreation amenities are located in the center of the building, and serve as the heart of the project. These are the spaces where residents gather and relax in a comfortable urban environment. Amenities include a recreational lap pool, spa, cabana structures, lounge seating, fire places and a dining terrace with BBQ to offer a luxurious outdoor living experience similar to that of a resort.

Landscape treatment along Penetencia Creek will be coordinated with SCVWD and Milpitas Fire Department prior to the issuance of building permits. Similarly, the landscape and amenities provided within the service area off-of Abel Street will be coordinated with Milpitas Fire Department. In both areas, the objective is to provide enhanced landscape treatment that is both functional for service use, and an amenity for the apartment community residents.



Resident Amenities

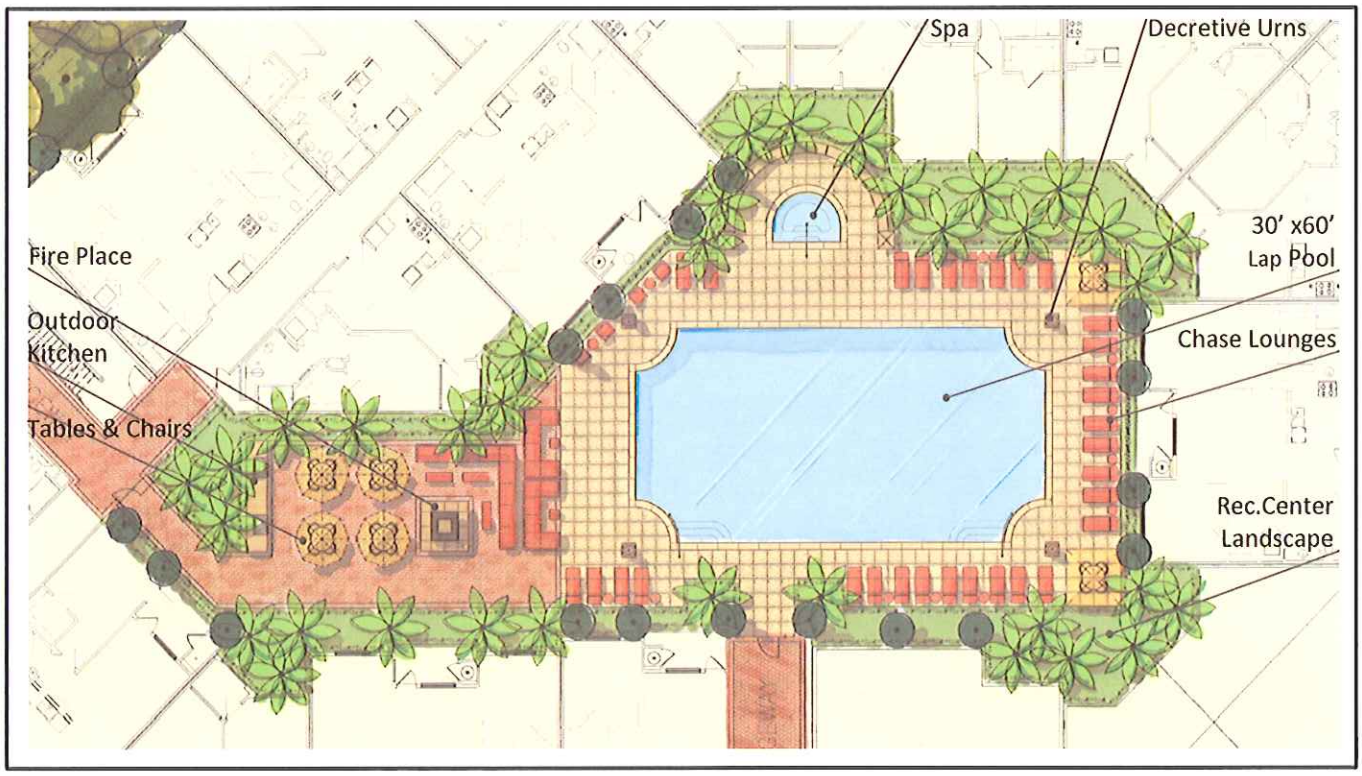
Project amenities will ensure the project serves its residents and creates a desirable community within Milpitas. Specific details are in planning stages, but this project will be constructed to a high level of finishes and a high level of amenities. Shea Properties has an established history of building and operating multi-family properties that are highly amenitized. At this time, the project intends to feature the following:

Outdoor Amenities

Courtyard – The courtyard is designed to offer both an active space with the 30-foot by 60-foot lap pool, and the passive space with lounge furniture and cabana rooms. This area is approximately 8,200 square feet, inclusive of the spa. This area will have a resort feel with enhanced landscaping treatment, using palms, ferns and shrubs that fit the architectural style.

Dining and Barbeque Terrace – The outdoor dining and barbeque terrace will provide an opportunity for residents and their guests to entertain, prepare food and/or eat in an outdoor setting. This area is approximately 3,500 square feet and will be amenitized with an outdoor kitchen, tables and chairs, fireplace and enhanced landscape treatment.

Courtyard Illustrative

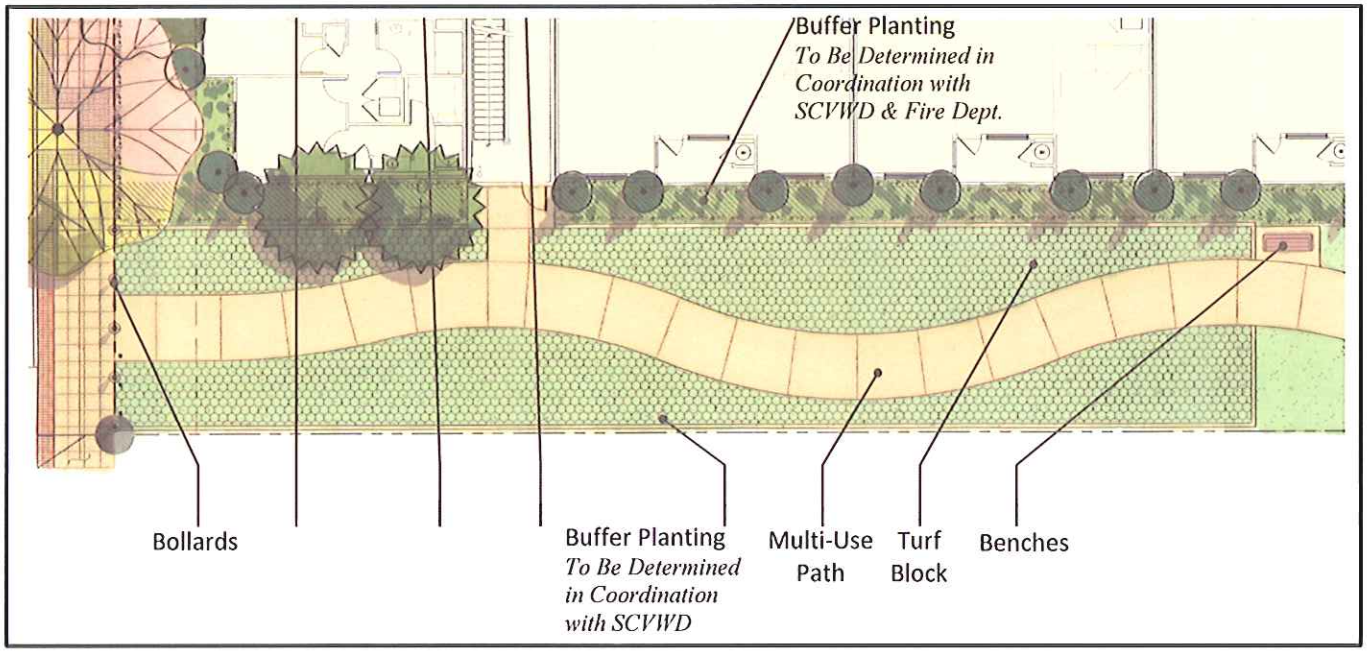


Garden Courtyard – Along the west edge of the development, a garden courtyard is planned to buffer the adjacent development and enhance the resident's experience. The garden courtyard will feature lush, garden-style landscaping, and will provide an opportunity for residents to escape to a quiet place where they can sit, read or work on their lap-top. This area is approximately 6,000 square feet and will be improved with a courtyard that includes chairs and lounges.

Rooftop Terrace – The rooftop terrace provides residents with an opportunity to seek out yet another experience, enjoying the views of the mountains and city lights in a passive lounge type environment. This area is approximately 5,000 square feet and will be enhanced with comfortable seating areas both covered and uncovered. Landscape elements will be incorporated to soften the area and accentuate the rooftop trellis seen from the street level.

Penitencia Creek Walk – Along the north edge of the development is Penitencia creek. A 25-foot easement is required to be maintained in favor of SCVWD. Similar to the configuration found on nearby properties, this area is anticipated to be enhanced with a 6-foot walk, benches and landscape treatment. This area will be accessible to the public, and available to the residents to walk and enjoy an open space feel along the creek. This trail and improvements is consistent with the City of Milpitas Trails Master Plan and Midtown Specific Plan.

Penitencia Creek Multi-Use Path Illustrative



West Service Area – Along the west edge of the property off of Abel Street is a service area for solid waste pick-up and move-in logistics. While this area is typically considered "back-of-house," the proposed plan realizes that in compact developments such as this one, this area can provide amenities as well. A half-court basketball court takes advantage of the concrete trash service area, in addition to benches and fitness stations. These amenities provide for yet another opportunity for residents to get outside and be active as they desire. This area also lends itself well for use by residents with dogs wanting to play fetch or the like in a gated area.

Indoor Amenities

Club Room – The club room is designed as a two story facility offering indoor partial kitchen, game room(s), televisions, reading and lounging areas. This area is approximately 1,250 square feet.

Fitness Center – The fitness center will be designed to accommodate fitness equipment and areas for small group sessions, such as yoga or pilates. The fitness center is approximately 1,500 square feet.

On-site Leasing, Management and Business Center – These on-site facilities are critical to operation of the apartment community, and its long-term success. The leasing office will be at the ground floor of the South Main Street access. Potential residents will drive through the postiche and into the parking structure, where visitor parking will be clearly delineated and enhanced for an inviting experience. The leasing office is approximately 1,680 square feet and will also include the management and business center, providing a centralized mail service, computers and printers for resident use.

Site Design Factors

In order to obtain the density required for the economic feasibility of this infill project, the site has been designed to maximize the number of units, and has also been designed to enhance livability for residents within the building and the surrounding community. Utilizing the entire parcel has required solutions to critical design problems, which have been thoughtfully addressed by the project's architects and engineers.

Main and Abel Corner Treatment

With the intersection of South Main Street and South Abel Street, a corner condition is provided that will serve as a gateway to the City's transit and regional shopping district. Therefore, the corner feature is a key design opportunity for the project that will provide a sense of place and arrival in proportion to the existing and future surroundings.

The proposed plan incorporates a tower element at the corner of Main Street and Abel Street, which will activate the area at multiple levels – from the street to the upper floors. At the street level, a unique water fountain will be used to form a plaza at the corner. The water feature is a curved water wall that feeds into a corresponding curvilinear receiving pool. It is envisioned that this fountain will incorporate lighting and signage. Informal seating may also be provided nearby as appropriate. This plaza design provides movement, light and white sound to enhance the pedestrian and vehicle experience.

Framing the tower and water feature will be several large, multi-trunk olive trees. These trees reflect the Italianate architecture, and provide the appropriate massing for this type of corner design. In the evening, these trees will be lighted to enhance their appearance and position as a feature element to the corner plaza.

The second, third, and fourth floors of the tower will incorporate residential units. These units have been oriented to align with southern views along Abel Street. For pedestrians and vehicles passing by, the occupation of the tower suggests high-density dwelling units that are suitable for an urban and transit-oriented setting.

As the eye travels upward to the higher elevations of the tower, it finds a roof deck incorporated into the tower. This sky deck will be a combination of covered and open spaces designed for passive uses, enhanced by architecture, landscape and lighting. While this roof deck is a passive amenity for the apartment community, it also enhances the corner treatment by opening the architecture at the roof line and introducing plant material and accent lighting characteristic of a commercial property.

Penitencia Creek

The northern property line of the site is adjacent to Penitencia Creek, and has received special attention with respect to site planning. A 25-foot easement in favor of SCVWD runs along the top of bank, for purpose of maintenance and service of this drainage facility. This easement is also intended to provide emergency access.

Based on discussions with the City and SCVWD, the following dimensions were reviewed and determined acceptable given site constraints.

At a July 28, 2011 meeting with City staff, including representatives from the Fire Department, the applicants reviewed the SCVWD easement improvements which are described as follows:

30-ft landscape area between Penitencia Creek top of slope and Building.

- 25-ft Easement (SCVWD) - Includes 24-foot multi-use path/access road and 1-foot buffer. Within the 24-foot multi-use path, there would be a 6-foot concrete paving with 14-foot grasscrete, and 2-foot concrete band on each side.
- 5-ft Landscape area adjacent to building

Access provided off of Main Street, and will be restricted by bollards, following the same treatment as the adjacent property (Centria East).

Public Service Utility Easement &Vacation of Right-of-Way

A Public Services Utilities Easement (PSUE) is currently in place along the entire frontage of Main Street and Abel Streets. This 10-foot easement follows the inside edge of the property line (at the edge of the sidewalk), and is intended for use by various utility and service providers. This easement already has utilities in place along Abel Street and at the corner. The easement along Main Street has not been used to this point in time, but will be utilized through construction of this project.

The proposed building design, in combination with proposed improvements to the intersection, will require modification of the PSUE at the corner of South Main Street and South Abel Street. The site plan shows an extension of the corner in conformance with the Main Line Study to improve this intersection. As part of this development, we are requesting the vacation of right-of-way in favor of enhanced corner treatment.

Subsequent to the requested entitlements, the applicant will seek the approval to reduce the width (or elimination) of the PSUE along South Abel Street and South Main Street. The request will be for a reduction from 10 feet PSUE, while maintaining a minimum 2-foot setback from back of sidewalk. A wider setback may be accommodated, depending on final site development drawings.

The minimum 2-foot setback is a variance from development standards defined by the Midtown Specific Plan, where a setback of 10 feet is normally required. The request for a variance is made in accordance with State Density Bonus regulations. When an applicant seeks a density bonus for a housing development within a jurisdiction, the local government shall provide the applicant with incentives or concessions for the production of affordable housing units as specified in the code. For additional reference to this matter, please refer to the discussion of density bonus within the "Project Description."

Traffic and Circulation

A traffic study was prepared by Hexagon Transportation Consultants for the proposed development. The proposed project generates 1,235 daily trips (95 AM / 115 PM). With the proposed development, there are no near-term (existing plus project) impacts on traffic within the project study area. Under year 2030 conditions, the proposed development does not result in any new significant impacts to roadway segments & intersections, other than what was previously identified with the prior project. Project mitigation will include payment of the Montague Expressway Impact Fee and the Midtown Impact Fee.

Vehicular access to the project is provided off-of South Main Street. The ingress/egress will lead vehicles directly to and from the interior garage. Residential parking will be gated, but within the interior of the parking garage so as to not impede the flow of traffic. Visitor parking is also located within the parking garage to improve the

circulation of the porte-cochere. There will be a call box for visitors of the residents within the entry; approximately 30 feet back of the street curb.

This main vehicle entry will be designed and finished to provide a resort-like feel to residents, visitors, and prospective tenants. While it is not an amenity in the traditional sense, it will be an attractive and inviting space that will provide aesthetic value to the area.

Service vehicles will access the property via a separate driveway from the west, on South Abel Street. This access will lead to a service area designed to accommodate trash trucks, move-in vehicles, emergency and fire access. The driveways will be designed to accommodate the appropriate turn radius using a flared dish-pan drive in accordance with City engineering standards. Access to the service area will be secured from the general public by way of a gate.

Along the north edge of the property, the project will provide a multi-use path that runs parallel to Penitencia Creek. The path is located within the 25-foot easement in favor of SCVWD. This area is designed to accommodate SCVWD maintenance vehicles, as well as emergency and fire access. The drive will be designed to accommodate the appropriate turn radius, using a standard dishpan drive detail in accordance with City engineering standards. Access to the path area will be secured from the general public by way of bollards, such as those used for the adjacent property (Centria East).

Solid Waste Plan

Residents will dispose of trash and recycling via separate chutes for refuse and recycling (1 each) which are provided in a dedicated trash room at two separate locations upon each residential floor. The chutes drop to bins located in rooms on the lower garage level. Vertical Trash Compactors are provided within these same rooms to directly compact refuse and recyclable material. On a regular basis, property management personnel will transfer compacted bins out of the receiving/compaction rooms. A scout truck will transport (internally) compacted bins to the collection area. Internal transport from receiving /compaction areas to the trash collection area will remain the responsibility of property management throughout the lifecycle of this development. Upon designated trash pick-up days, the bins will be moved from the trash collection area to the trash loading area upon the arrival of the trash truck.

For collection by Allied Waste Management, the truck will enter the property at the S. Abel fire/service access drive and proceed to the bin loading area. Bins will be pulled out and arranged by Property Management to this loading area and returned to the holding area once complete.

The trash collection area is designed to accommodate turn maneuvers for the collection truck, so that the truck can enter and exit the property "nose first". The holding area opening is 18-feet wide and provides 15-foot height clearance. Per City of Milpitas Development Guidelines for Solid Waste Service, 3 cubic yard bin size is 42-inches by 72-inches.

Compatibility of bins used for scout truck will be confirmed for use with Allied Waste Management trucks. Coloring for bins will distinguish solid waste (blue suggested) from recycling (white suggested) as used by Allied. Please refer to the "Solid Waste Plan" of the architectural plan set, Sheet A3, for more detail on location and type of facilities.

Project Benefits

This project presents an opportunity to provide the City with immediate and long-term benefits. For the immediate area, it is an opportunity to bring vitality and activity to a prominent corner that has been identified as underutilized for many years. The unique corner location will serve as an important gateway to a shopping and transit district, which may encourage further development in the area.

The project also assists the City and the Redevelopment Agency with further implementation of the general plan and Midtown Specific Plan.

Economic benefits will be realized by the City of Milpitas through a variety of sources, including:

- Luxury apartment development with high end amenities.
- Required parking provided on-site.
- Assists the City's affordable housing goals.
- Development fees of over $4-million paid to the City and County for community benefits.
    - Includes approximately $1.5 million for public park improvements.
    - Includes approximately $500,000 paid to the school district.
    - Includes payment toward Midtown Traffic Impact Fees.
- South Main Street and South Abel Street parkway improvements.
- Permanent jobs created with an operating project.
- Increase property tax revenues.

Regional benefits will be realized through the provision of high-density housing adjacent to transit. A percentage of new residents will increase transit ridership and provide needed support to existing and future transit networks.

Neighborhood Compatibility

Despite the high-intensity land uses of adjacent parcels, the single-family community of Starlite Pines is also nearby. Therefore, this project has been designed to consider the concerns that may be expressed by residents of this community. One of the more significant potential impacts is building height. This project has been designed to respect its neighbors by keeping the residential height at four stories (up to five are permitted). Maintaining the height as this level will reduce visual impacts upon Starlite Pines, and also reflects height limits approved for the adjacent projects. The parking facility will exceed the height of the residential buildings slightly, but is located within the interior of the project, and screened on all sides by residential buildings. Where the parking garage is exposed, architectural enhancements will improve the aesthetic appearance, as determined appropriate.

A community meeting was hosted by the applicants on September 8, 2011 at Pearl Zanker Elementary School, where the project was introduced to the community, and where interested residents were provided with an opportunity to comment on the project. Notices were sent out 10-days prior to the meeting, including a leaflet by mail for residents within 1,000-foot radius of the project property.

Planning Consistency

General Plan

The General Plan designation for the site is Multi-Family Residential, Very High Density, with an additional Transit Oriented District (TOD) overlay. This land use designation is consistent with the proposed plan and adjacent development, including the nearby Centria project. Within the General Plan, the TOD is intended to create residential districts near BART and light rail stations. This designation requires housing to be built at an average density of at least 41 units per gross acre, up to a maximum of 60 units per gross acre. This proposal is consistent with the general plan principles and policies as shown below:

2.a-G-2: Maintain a relatively compact urban form

The project density of 73.5 dwelling units per acre (obtained through use of the State Density Bonus) is consistent with high-density residential development standards.

2.a-G-3 Provide for a variety of housing types and densities that meet the needs of individuals and families.

This project will provide a combination of 1 and 2 bedroom units with a several studio units, which are suitable for individuals, partners, and small families. Housing will be available for rent, which differs from the previous projects constructed over the past decade; expanding the variety of housing within the City.

2.a-G-5 A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.

4.a-G-2 Develop a diversified trail system along streamsides and other public rights of way to provide recreational opportunities and link facilities.

The property is situated along Penitencia Creek, which has been identified within the General Plan as a future or existing trail. This proposed site plan identifies the linear space along the creek as a public access easement, which will feature a portion of the regional trail facilities and landscaping.

2.a-G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place, while maintaining needed industrial, service and commercial uses.

This project is located within the Midtown Specific Plan district, and is a good example of high-density, transit-oriented housing development, featuring a density of approximately 73.5 dwelling units per acre. It is located within several hundred feet of the existing Great Mall Transit Center, as well as the Great Mall shopping center.

2.a-I-1: New developments should not exceed the building intensity limits established in the General Plan.

The project density is achieved only through use of the State Density Bonus law. The baseline maximum density remains in conformance with the underlying zoning and general plan density limits of 60 dwelling units per acre.

2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

The project is consistent with this general plan principle because it is located within the City limits and is surrounded by urbanized areas on all sides. The surrounding development and proposed development is more efficient, and at a higher density than areas of the City that have previously developed.

2.a-1-22 Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.

This project is consistent with Midtown Specific Plan land use and development standards, and provides a noteworthy gateway design element to identify the MSP area. It shall also comply with the South Main Street Plan Line Study, providing attractive landscaped boulevards and a portion of the pedestrian and bicycle pathway network.

Midtown Specific Plan

This project is located within the Midtown Specific Plan (MSP), which was adopted in 2002 and subsequently amended. The project site is designated as Multi-Family Residential, Very High Density. The MSP is described within its Summary and Introduction as follows: "The overall strategy in the Midtown Area is to create a mixed-use community that includes high-density, transit-oriented housing and a central community "gathering place," while maintaining needed industrial, service, and commercial uses." The MSP also identifies this parcel as an "Opportunity Site", with the expectation that it be developed in a higher or more intense use.

This proposal is highly consistent with the Midtown Specific Plan goals and policies, as shown below:

Goal 2: Provide for a significant component of new housing within the area in order to: improve the vitality of the midtown area; address local and regional housing needs, and reinforce the use of transit.

The proposed development is efficient, and provides a high number of residents in close proximity to transit, which will encourage transit ridership in to perpetuity.

Goal 3: Promote an intensity of development in the midtown area that is appropriate to its central location.

The proposed development will provide a level of intensity (and density) suitable for a central district. Minimum density standards have been achieved through the application of the State Density Bonus law.

Policy 3.2: Provide for higher density residential development within the TOD overlay zone around the Great Mall Parkway.

The TOD overlay area within the Midtown Specific Plan calls for the highest residential densities within the plan area, and the proposed project complies with those increased densities.

Policy 3.4: Establish a minimum density of 21 units per gross acre in the Mixed Use District, 31 units per gross acre in the Multi-family Very High Density area, and a minimum of 41 units per gross acres around the transit stations.

The proposed density of approximately 73.5 dwelling units per acre (through use of the State Density Bonus) achieves this density standard.

Policy 3.6: Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by-project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area.

This project has proposed 9 below market rate housing units, all of which are designated for residents within the "very low" income category. These housing units have been provided through application of State Density Bonus guidelines.

Policy 3.7: Integrate affordable units with market rate developments. Ensure that affordable units are architecturally integrated and indistinguishable from market rate units.

BMR housing units will be supplied in a manner that is consistent with the overall project mix, including size, layout, and location within the building. These units will be identified through the affordable housing regulatory agreement (AHRA) which will be drafted and approved as part of the entitlement process.

Policy 3.24: Require new residential development to provide public parks at a ratio of 3.5 acres per 1,000 persons, of which up to 1.5 acres per 1,000 persons can be developed as private common open space.

The project is providing a combination of private open space, private common space in accordance with the City's definitions. A portion of the public open space requirement is met through the improvement of the Penitencia Creek multi-use path. The balance

of open space requirements will be met through the fees payable to the City for public open space.

Policy 3.26: Encourage new or expanding office and public/quasi-public uses to provide publicly accessible outdoor open space (plazas, gardens, arcades) as a part of new development. Ensure that the open spaces are linked to sidewalks or pedestrian paths.

The proposed development will provide multiple quasi-public spaces for passive recreation and aesthetic improvement, including the plaza at the corner of South Main Street and South Abel Street, and Penitencia Creek multi-use path.

Policy 4.2: Provide pedestrian connections between the transit stations and commercial, employment and residential stations that are direct, attractive, and interconnected with the larger city sidewalk and pedestrian path system.

Policy 4.13: Establish an interconnected system of sidewalks and pedestrian paths that provide safe and convenient pedestrian access between the transit stations and other destinations within the midtown area.

The project is located along a public ROW, and will install sidewalks and other improvements as prescribed by the South Main Street Plan Line Study, providing a direct connection to the Great Mall Transit Center.

Policy 4.9: Continue to require site-specific traffic studies for each proposed new development that would generate more than 100 trips, in conformance with existing congestion management procedures.

This project has provided the required traffic study to comply with this policy, and to assist in determining the project's impact under CEQA.

Policy 4.14: Require a public access easement through new development when necessary to ensure that public parks and the City's rail network are accessible to the general public.

Public access will be maintained through public sidewalks and pathways. The open space/multi-use path has been designed so as to remain accessible to the public, SCVWD, fire and emergency services.

Policy 4.15: Implement improvements, such as bulb-outs, raised crosswalks, and other appropriated mechanisms to calm traffic and make Main Street safer for pedestrians.

Intersection improvements at South Main and South Abel Streets will calm traffic and provide a safer sidewalk for pedestrians.

Policy 4.16: Provide secure and weather-protected bicycle parking facilities at the transit stations and within new residential, retail, and employment destinations.

The project will include enclosed and secured bicycle storage facilities to its residents.

Policy 4.17: Ensure that new development complies with Milpitas zoning ordinance requirements for off-street parking. Consider reductions on a case-by-case basis.

Parking for the project will be provided on-site, and at a ratio that complies with (and exceeds) City of Milpitas standards. Approximately 340 vehicle parking spaces will be provided in the central garage.

Policy 5.1: Establish a development pattern along Main Street and around the transit stations that is oriented to pedestrians and consistent with the design standards and guidelines. More specifically, buildings should address streets, pedestrian paths, parks and open spaces, and transit stations with entries, windows, bays, balconies, and other articulated features. Parking lots should not dominate the experience along any prominent street or pedestrian route.

The project's high density and close proximity to transit and shopping facilities will encourage pedestrian activity. Architecture for the ground story will utilize appropriate massing, articulation, and penetrations (window and drive entries) in a manner that engages both pedestrian and vehicular traffic. The parking garage is located at the interior of the site, reducing the underutilized areas that would otherwise be provided if a parking garage fronted upon the street.

Policy 5.4: Implement a program of streetscape improvements (sidewalks, landscaping, bike lanes, benches, and lighting) along Main and Abel Streets and Great Mall Parkway.

Policy 5.5: Place street tree landscaping at the curb edges of sidewalks to improve the environment for pedestrians.

Public improvements associated with this development proposal, including street trees, will comply with the South Main Street Plan Line Study.

Policy 5.10: Integrate public art, including sculpture, mosaics, murals, and decorative water features in to new office, civic, public institutional and public spaces in the Midtown Area.

An important component of the project design is the architectural treatment at the corner of South Main Street and South Abel Street. This corner will engage pedestrians at the street level, and the upper floors will serve as a visual marker for drivers as they enter the transit and regional shopping district. A water feature and plaza have been proposed at the street level.

Policy 6.2: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water saving fixtures, and drought-tolerant landscaping.

Policy 6.4: Continue to require new residential, commercial, and industrial development south of Hetch Hetchy right-of-way to install recycled water lines with other utilities

serving the site. Require conversion of landscape irrigation to recycled water as soon as available. Use recycled water to irrigate landscaping associated with street landscaping and the creek rail system as feasible.

This project will comply with the most current green building code guidelines to reduce water consumption for the life of the project, including low-flow plumbing fixtures and drought-tolerant landscaping. A recycled water system will be installed and ready to use upon the City's completion of the system.

Policy 6.7: Provide storm drain infrastructure to adequately serve new development and meet City standards.

Policy 6.8: Encourage creativity in design of new development in order to reduce storm water runoff, increase percolation, and improve water quality.

This project will provide on-site treatment facilities which are engineered to current guidelines.

Policy 6.10: Require project developers to coordinate with the appropriate service provider to provide electrical, gas, and telecommunication services to new development.

Policy 6.11: Require the undergrounding of new utilities; and Policy 6.16: Install vacant conduit for telecommunications within new developments. Install underground facilities as part of trench utilities as part of project construction, to the extent feasible.

The project will construct and use underground utilities for all services, as appropriate and in accordance with the utility provider's policy.

Policy 6.11: Incorporate energy saving devices in to new development in order to promote energy conservation.

This project will comply with the most current green building code guidelines to reduce energy consumption for the life of the project.

South Main Street Plan Line Study

In 2007, the City of Milpitas adopted the Main Street Plan Line Study. The goal of this study has been to identify and design important median and streetscape components within the Main Street corridor as it experiences significant growth. The project will comply fully with design elements identified within the study in the following ways:

Median Configuration

Median islands will be constructed along South Main Street and South Abel Street per the plan, and additional medians will be constructed as part of the intersection directly adjacent to the project site. The City intends to evaluate the use of signage and banners within the median to provide an added urban feel to the South Main Street and South Abel Street intersection.

Streetscape Planting

Plantings will be placed within the medians as prescribed by the plan, and along street frontages, including Scarlet Oak and Ginkgo Biloba species. Additional details shall be provided in the landscaping plans for the project.

Pedestrian Connectivity

The project will construct sidewalks along each street frontage per the plan's engineering standards. These sidewalks will be used for pedestrian access to and from Zanker Elementary as shown in the plan.

Development Standards

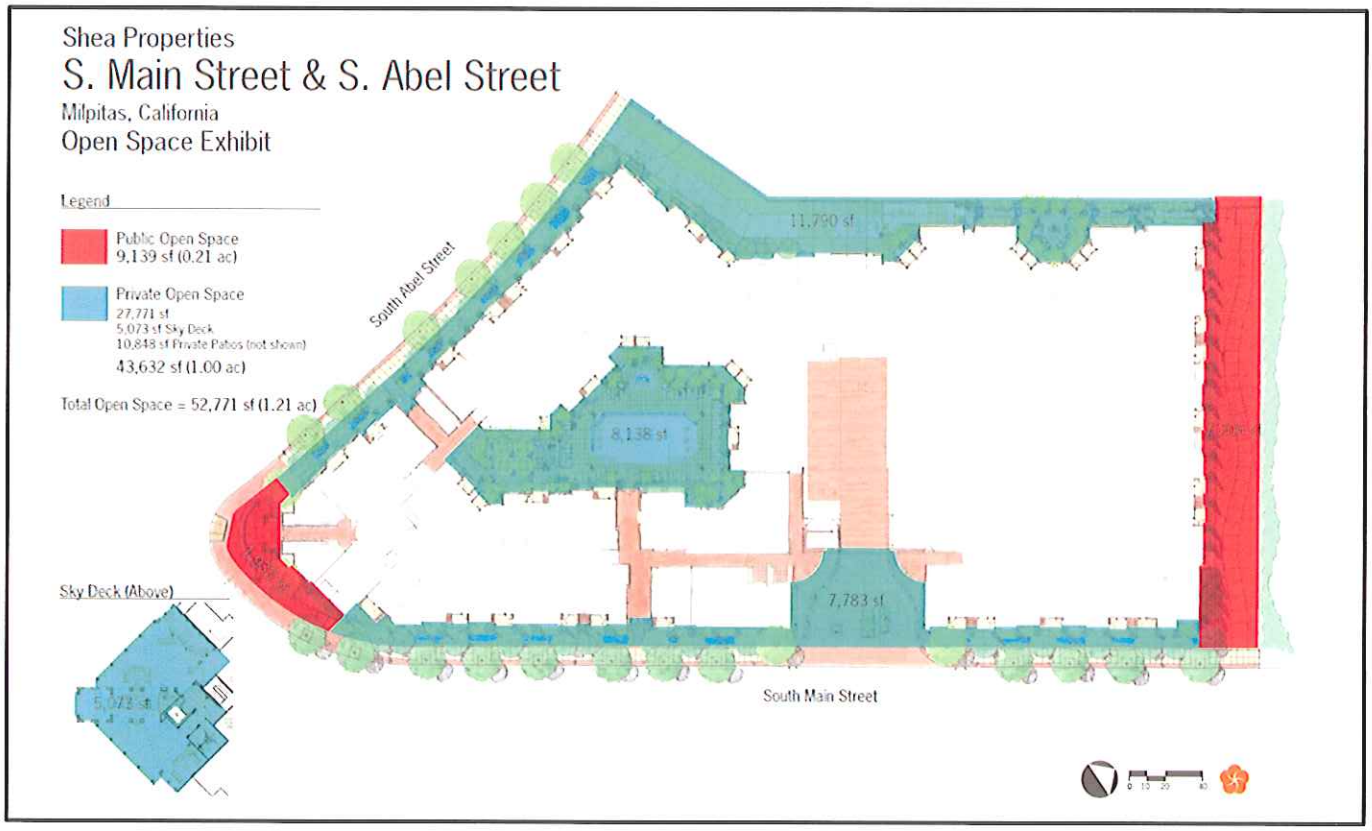
Zoning Code		Proposed	Notes
Density	41 to 60 DU/AC	72.1 DU/AC	20% Density Bonus Request
Building Height	5 Stories 75-ft maximum	4 Stories for residential. Proposed height varies, but in all case is below 75-ft maximum	*See Note Below*
Parking, Multi-family			
Total Required	319 stalls	340 stalls	
Studio	1.0 spaces/DU	4 stalls	4 Studio units
1 bedroom	1.5 spaces/DU	174 stalls	116 1-bdrm units
2 bedroom	2.0 spaces/DU	166 stalls	83 2-bdrm units
Subtotal		344 stalls	Prior to TOD reduction
TOD Reduction	20% reduction	276 stalls	
Guest	15% additional	319 stalls	
Spaces Provided		340 stalls	
Setbacks			
Front	8-15 feet	15-feet	Varies due to building design and articulation. Requesting Variance.
Street Side	8-15 feet	15-feet	
Side	10 feet	10-feet	
Rear	10 feet	30-feet	Includes 25-ft SCVWD easement
Park & Open Space			
Required	3.5 ac/1,000 pop	714 population	Based on 3.5/DU
Private	0.80 AC	0.91 AC	Payment of "in-lieu" fee required for balance of public open space, or comparable payment as agreed with City staff.
Public	1.06 AC	0.21 AC	

Note: Residential buildings are anticipated to be 4 stories in height, designed to Type IV Construction. Parking provided on-site through a central 6-level parking garage, built on-grade.

Open Space Requirement

203.00	Number of Dwelling Units		
527.80	Total Population	2.6	*Multi-Family, 5+ DU/Building*

Open Space Required			
1.85	**Total Open Space AC**	**0.0035**	**acres per person**
1.06	Public Open Space	0.002	acres per person
0.79	Private Open Space	0.0015	acres per person
Open Space Provided			
1.21	**Total Open Space AC**		
0.21	Public Open Space		
1.00	Private Open Space		
In-Lieu Fee Calculation			
0.84	Public Open Space Not Achieved On-site		
$2,047,320	Average value of 1 acre of land (3/10)		
$1,728,093	**Park In-Lieu Fee**		



Attachment E

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-153 MAY 16, 2011

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

7:00AM 7/20

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

8:00AM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

9:00AM 7/20

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

10:00AM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

11:00AM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

12:00PM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

1:00PM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

2:00PM 7/20

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

3:00PM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

4:00PM 7/20

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

5:00PM 7/20

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

10:00AM 12/21

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange
These data are copyright protected under such protection unauthorized use is not permitted. These data shall not be reproduced or used without written permission by Architects Orange.

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

11:00AM 12/21

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) : 110 UNITS (54%)
   2 BR (1080 S.F.): 94 UNITS (46%)
   TOTAL: 204 UNITS
2. TOTAL ACRES: +/- 2.75 ACRES
3. DENSITY: 74.18 DU/AC
4. PARKING REQUIRED: 325 STALLS
   1 BR: 110X1.5=165 STALLS
   2 BR: 94X2=188 STALLS
   GUEST: 353X15%=53 STALLS
   (TOD REDUCTION OF 20%= -81 STALLS)

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 10, 2011

12:00PM 12/21

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9880

©2011 Architects Orange

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74 18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 10, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

1:00PM 12/21

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9880

©2011 Architects Orange

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

2:00PM 12/21

ARCHITECTS ORANGE

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

PROJECT SUMMARY:

TYPE V (4-STORY):

1. 1 BR (750 S.F.) :	110 UNITS (54%)
2 BR (1080 S.F.):	94 UNITS (46%)
TOTAL:	204 UNITS
2. TOTAL ACRES:	+/- 2.75 ACRES
3. DENSITY:	74.18 DU/AC
4. PARKING REQUIRED:	325 STALLS
1 BR:	110X1.5=165 STALLS
2 BR:	94X2=188 STALLS
GUEST:	353X15%=53 STALLS
(TOD REDUCTION OF 20%= -81 STALLS)	

NOTES:

BUILDING HEIGHT MAX: 5 STORIES AND 75' INCLUDING ARCHITECTURAL FEATURES (8.2.d).

PARK REQUIREMENTS: 3.5 AC/ 1000 POPULATION.

OPEN SPACE REQUIREMENT: PER PLANNING COMMISSION FOR R4-TOD.

CONCEPTUAL SITE PLAN- 204 UNITS

OPTION "A" ON GRADE LEVEL

0 10' 30' 60' 120'

SCALE: 1"=30'-0"

N

2011-152 MAY 16, 2011

SHEA / SOUTH MAIN STREET APARTMENTS MILPITAS, CALIFORNIA

3:00PM 12/21

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860

©2011 Architects Orange

Executive Summary

The purpose of this report is to analyze the transportation impacts of the proposed South Main Street residential development located on the northeast corner of South Main Street and South Abel Street in Milpitas, California. The project would consist of the construction of 204 new apartment dwelling units. The site is currently vacant. Primary access to the site would be via one full access driveway on South Main Street. Secondary driveways for emergency and trash access would be provided off of South Abel Street and South Main Street.

The impacts of the development were evaluated relative to the level of service policies and methodologies applicable in the City of Milpitas. Because the project is expected to generate more than 100 peak hour trips, the analysis also was conducted in accordance with the requirements of the Valley Transportation Authority (VTA), the administering agency for the Congestion Management Program (CMP) of Santa Clara County. The study included an analysis of traffic conditions at seven signalized intersections. The intersections were analyzed during the weekday AM and PM peak hours of traffic (commonly referred to as the commute hours), which occur from 7:00 to 9:00 AM and 4:00 to 6:00 PM. These periods represent the most congested traffic conditions of an average weekday.

Trip Generation & Assignment

The amount of traffic generated by the proposed project was estimated by applying the appropriate trip generation rates to the size of the development. The trip generation rates used to estimate project traffic were those from the publication entitled *Trip Generation, 8th Edition,* by the Institute of Transportation Engineers (ITE). The VTA operates light rail service along Great Mall Parkway, which will increase the probability that the occupants of the proposed project would use transit. The Great Mall/Main Transit Center light rail station is located within 2,000 feet of the proposed project; therefore, per CMP technical guidelines a trip reduction of 9 percent was assumed. Based on the rates described above, the proposed project would generate 1,235 daily vehicle trips, with 95 trips occurring during the AM peak hour and 115 trips occurring during the PM peak hour. The proposed project's trip distribution pattern was estimated based on previous traffic impact analyses and the relative locations of complementary land uses.

Intersection Level of Service Impacts and Mitigation

The results of the signalized intersection level of service analysis for the (1) existing plus project and (2) background plus project scenarios are summarized in Tables ES-1. The proposed project would not result in any significant impacts to the study intersections under existing plus project conditions. As previously identified in the Midtown Specific Plan EIR (certified, 2002), under background plus project conditions, development of the site would result in a significant impact at the intersection of Montague Expressway and South Main Street/Old Oakland Road. As proposed, the project would continue to impact this intersection. However, the impact of the proposed project would be less than the overall impact created by the build out of the Midtown

Specific Plan. Thus, implementation of the proposed project results in no "new" impacts being generated at the study intersections.

Significant Impact: Montague Expressway and South Main Street/Old Oakland Road. Under background plus project conditions, the intersection would operate at LOS F during the AM peak hour. The project would increase the average delay by 4.7 seconds and increase the V/C by 0.011 during the AM peak hour. This constitutes a significant impact. *As noted above, this is not a "new" impact, but rather an update and validation of the previously identified impact at this intersection.*

Mitigation: Montague Expressway and South Main Street/Old Oakland Road. Currently, the City and County have plans to widen Montague Expressway to four through lanes in each direction between Great Mall Parkway and I-880. This improvement would improve the AM peak hour LOS under background plus project conditions to LOS E, with an average delay of 63.9 seconds. As mitigation for the project's impact, the City of Milpitas requires projects to pay a "fair share" of the traffic improvement costs to widen Montague Expressway. This is the same mitigation measure adopted as part of the Midtown Specific Plan EIR. Payment of this fee would constitute full mitigation of the project impact. The amount of the traffic fee will be determined by the City.

Year 2030 Traffic Impacts

The previous land use assumed for the project site under year 2030 conditions included 126 residential units and 2,800 square feet of retail use. The proposed project would include 204 residential units. For the purposes of estimating the effect of this change, the traffic impacts of the proposed project were evaluated relative to the prior land use. Under year 2030 conditions, although many of the study segments are projected to operate at LOS E or F during the AM and PM peak hours, according to City of Milpitas and CMP standards, the proposed land use change would not result in any significant impacts to roadway segments. The net addition of project traffic would be less than 1% for each roadway segment that would operate below its LOS standard.

Midtown Planning Area of Milpitas

The City of Milpitas has adopted a specific plan fee program for the midtown area, which is the area generally bounded by the Union Pacific Railroad lines on the east and north, Abel Street and Elmwood Rehabilitation Center on the west, and the city limits to the south. The purpose of the fee program is to fund the transportation improvements necessary to build out the 1,000-acre midtown planning area. The proposed project would be located within the midtown planning area and, therefore, would be required to participate in the fee program.

Pedestrian, Bicycle, & Transit Facilities

The proposed project would not make any changes to the existing offsite bike and pedestrian network nor would it create bike and pedestrian demand beyond the current capacity of the existing sidewalks, crosswalks, and bike lanes. For these reasons, the proposed project would not result in any significant impacts to these facilities.

The current transit service in the project vicinity consists of VTA operated bus routes with several bus stops on Great Mall Parkway and Main Street, as well as the Tasman East LRT station at the nearby Great Mall of the Bay Area. Field observations have shown that these facilities operate below capacity. Due to the abundance of transit service in the project area and the available capacity, future residents of the proposed residential development would benefit from transit service. Assuming a 9% transit mode share, the proposed project would generate 10 or 11 new transit trips during the AM and PM peak hours. Although the proposed project would increase the

ridership demand for transit service, it would not result in a demand for transit service greater than what is currently being provided.

Site Access & Circulation

The site access and circulation were reviewed based on a project site plan dated August 30, 2011 by Architects Orange. Because this site plan is conceptual, prior to final design, the site plan should be reviewed by the City Traffic Engineering division. Generally, it was found that the site access and circulation would be adequate. However, several recommendations were made:

- The City has a long-range plan to install a raised center median along South Main Street between Great Mall Parkway and Montague Expressway. The current plan line shows a two-way center left-turn lane adjacent to the proposed main project driveway. However, the plan line also shows a left turn pocket into the project site where a driveway is not proposed. Should the development project move forward under its proposed driveway configuration, aside from this left turn pocket, no changes would be required to the plan line to accommodate the proposed project driveway. The City of Milpitas ultimately will make the determination as to whether any changes to the current proposed site access would be necessary.
- Although there are no sight distance conflicts apparent on the current plan, the project driveways should be reviewed by City staff prior to final design to insure the sight lines are free and clear of obstructions. Any landscaping and signage should be located in such a way to ensure an unobstructed view for drivers entering and exiting the site.
- Prior to final design, City staff should review the onsite circulation in the project's parking structure to insure that the drive aisle widths are sufficient to accommodate project traffic. In addition, staff should evaluate the need for mirrors (particularly at the site's first 90 degree turn) or onsite speed bumps to slow onsite traffic in order to insure adequate sight distance.
- In conjunction with the proposed development, City staff has stated that the project proponent would be responsible for the removal of one of the eastbound left turn lanes on South Main Street at Abel Street and the corresponding reconstruction of the intersection. This would require modifications to the existing traffic signal.

Table ES-1
Signalized Intersection Levels of Service Summary

Study #	Intersection	Peak Hour	Existing Avg. Delay	Existing LOS	Existing Plus Project Avg. Delay	Existing Plus Project LOS	Existing Plus Project Incr. In Crit. Delay	Existing Plus Project Incr. In Crit. V/C	Background Avg. Delay	Background LOS	Background Plus Project Avg. Delay	Background Plus Project LOS	Background Plus Project Incr. In Crit. Delay	Background Plus Project Incr. In Crit. V/C
1	Great Mall Pkwy & Abel St	AM	37.2	D	37.4	D	0.3	0.006	40.8	D	41.0	D	0.3	0.006
		PM	33.0	C	33.1	C	0.0	0.003	35.5	D	35.6	D	0.0	0.003
2	Great Mall Pkwy & Main St	AM	26.4	C	26.9	C	0.4	0.002	26.3	C	26.8	C	0.4	0.002
		PM	35.7	D	36.6	D	1.6	0.017	35.6	D	36.6	D	1.6	0.017
3	Great Mall Paky & McCandless Dr	AM	14.6	B	14.8	B	0.1	0.003	14.7	B	14.9	B	0.1	0.003
		PM	22.9	C	22.9	C	0.0	0.002	22.7	C	22.7	C	0.0	0.002
4	Montague Exp & Capitol Ave*	AM	41.4	D	41.9	D	0.1	0.002	43.0	D	43.4	D	0.2	0.002
		PM	52.3	D	52.3	D	0.1	0.002	58.3	E	58.7	E	0.8	0.004
5	W. Capitol Ave & Abel St	AM	26.4	C	26.3	C	0.0	0.001	26.2	C	26.1	C	0.0	0.001
		PM	24.8	C	24.6	C	-0.2	0.003	27.4	C	27.2	C	-0.2	0.003
6	Main St & Abel St	AM	13.0	B	13.5	B	0.2	0.012	15.5	B	16.0	B	0.3	0.020
		PM	10.1	B	10.8	B	0.6	0.012	12.5	B	13.2	B	0.6	0.016
7	Montague Expwy & S. Main St*	AM	63.8	E	66.0	E	3.2	0.011	93.4	F	**96.5**	**F**	**4.7**	**0.011**
		PM	44.4	D	44.8	D	0.2	0.001	96.0	F	96.4	F	0.4	0.001

* Denotes CMP intersection
Bold indicates a significant project impact.

ATTACHMENT G

Sheldon AhSing

From: Scott Littlehale [slittlehale@nccrc.org]
Sent: Wednesday, October 12, 2011 4:45 PM
To: Sheldon AhSing
Subject: 10/12/2011 Planning Commission Agenda Item IX-3 (Shea Residential project at 1201 S Main)
Attachments: South Main Street Project at 1201 S Main - Proximity to active RR line.pdf; Approved Milpitas Planning Applications - Google Map.pdf

Dear Mr. Ah Sing:

On behalf of Carpenters Local Union 405, I wish to enter into the record the attached graphic, which demonstrates that the project lies within a 500 foot radius of an active rail line that carries freight trains powered by diesel engine locomotives.

Health risks to future residents from exposure to PM2.5 fugitive dust, particularly from diesel-powered vehicles, was not assessed in the 2007 Mitigated Negative Declaration ("MND") for the project.

The Transit Area Specific Plan, adopted *after* the adoption of the Project's 2007 MND, calls for data to be collected and health risks to be assessed when a residential project lies within 500 feet of an active railway line. While the Shea Residential project lies outside of the TASP area, Carpenters Local 405 calls upon the City to have a study prepared that evaluates such risk. Per CEQA Guidelines Section 15162, a project may only be reviewed via an Addendum to a Negative Declaration if

> "New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous … Negative Declaration was adopted, [which] shows <u>any</u> of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; …

Futhermore, an Addendum is not appropriate when one or more of the following conditions obtain:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; …

ATTACHMENT G

With respect to condition one (no substantial changes), the project's Residential component has been substantially increased since the adoption of the MND. The population of future residents at the Project will increase by over fifty percent, thereby increasing the number of what the Bay Area Air Quality Management District ("BAAQMD") refers to as "Receptors" by over fifty percent. The BAAQMD guidance on exposure of receptors to fugitive dust (PM2.5) was not issued until 2010, and subsequently was updated in 2011.

With respect to condition two (no substantial changes of circumstance), it is germane that since 2007 the City of Milpitas has approved the Transit Area Specific Plan, which anticipates the construction of 7,100 residential units in an area proximate to the Project site. Specifically, the City of Milpitas approved in 2010 a project known as the McCandless Mixed Use Project (or "Integral" project) on parcels immediately to the East of the Shea Residential project on South Main St.

Carpenters Local Union 405 believes that the project's *cumulative* impacts, when analyzed in conjunction with approved projects and foreseeable projects such as the McCandless Mixed Use project, will be significant insofar as the issues of Traffic and Air Quality are concerned. On that basis, the Local Union maintains that additional, publically accountable environmental review of this Project is required.

Respectfully,

Scott Littlehale
Senior Research-Analyst
Carpenters Local Union 405

Proximity of 1201 S Main St project to Active RR line

ATTACHMENT G

"Approved Development Projects," a Google Map accessed via the City of Milpitas website on 10/12/2011

Google

ATTACHMENT G

McCandless Drive (McCandless Mixed Use Project)

Last Updated by Milpitas on Jul 27

The project is a mixed use product with 1,328 dwelling units in eight buildings, including 92,000 square feet of commercial space on 23 acres (57.7 dwellings per acre). (APNs: 86-33-092, -101, -093, -099, -094, -095, -098)

Approved on September 7, 2010.

Applicant: Integral Communities. Glenn Brown Integral Communities, LLC
1350 McCandless Drive
Milpitas, CA 95035
(925) 984-7137

Directions Search nearby Save to map more ▼

©2011 Google - Map data ©2011 Google - Terms of Use

H

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035
Attention: City Clerk

This document is exempt from payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

DENSITY BONUS HOUSING AGREEMENT
(Milpitas Multifamily LLC)

This **DENSITY BONUS HOUSING AGREEMENT (Milpitas Multifamily LLC)** ("Agreement"), dated for identification purposes only as of _____, 2011, is entered into by and between the **CITY OF MILPITAS**, a California municipal corporation ("City"), and **MILPITAS MULTIFAMILY, LLC**, a California limited liability company ("Developer").

RECITALS

A. Developer is the owner of certain unimproved real property of approximately 2.83 acres (with vacation of right-of-way) in the City, generally located at the intersection of South Main Street and Abel Street, Assessor's Parcel Number (APN) 086-16-100, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein ("Site").

B. On August 5, 2011, an application was submitted Developer submitted an application to City for a site development permit, conditional use permit, and major tentative map ("Entitlement") to construct a 204-unit multi-family apartment complex on the Site that will include residential buildings four (4) stories in height, designed to Type IV construction and with parking in a central 5½ level parking garage built on grade ("Project").

C. In response to Developer's Entitlement application, by resolution adopted on November 1, 2011 by the Milpitas City Council ("Entitlement Resolution"), the City approved Developer's Entitlement application and issued its discretionary approvals for the Project, subject to certain conditions of approval set forth in the Entitlement Resolution that have been accepted by Developer.

D. The Entitlement provides to Developer a density bonus and other concession(s) and/or incentive(s) to the Project pursuant to California Government Code Section 65915, *et seq*., and the City's implementing ordinance thereto set forth in the City of Milpitas Municipal Code Title XI-10 Section 54.15, *et seq.* (collectively, "Density Bonus Law"), in exchange for Developer's agreement to restrict five percent (5%) (i.e., nine (9) units) of the multi-family apartment units ("Affordable Units") at the Site for rental to and occupancy by Very Low Income Households at an Affordable Rent (as those terms are defined in the Density Bonus Law and further explained herein) for the Affordability Period (as defined below). The total number of market rate units at the Project

is 195 multi-family units, which with the nine (9) Affordable Units, establishes a total of 204 units in the Project.

E. Developer and City desire to enter into this Agreement to provide for Developer's rental of nine (9) of the Affordable Units at the Site to Very Low Income Households at an Affordable Rent, as required by the Density Bonus Law, the Entitlement's conditions of approval and as defined in Health and Safety Code Section 50053 and the California Code of Regulations, Title 25, Chapter 6.5, Subchapter 2, Section 6910, *et seq*. ("Regulations") all in accordance with the terms, conditions, and restrictions set forth below in this Agreement.

F. The foregoing Recitals are true and correct and constitute a substantive part of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and Developer agree as follows:

1. Definitions. Capitalized terms are defined as follows or as otherwise stated herein.

1.1 <u>Affordability Period; Duration of Covenants</u>. The term "Affordability Period" means the period of effectiveness of the affordability covenants under this Agreement that shall continue for thirty (30) years from the date of recordation of this Agreement, which will occur upon and as a condition to the issuance by the City's Building Official of the final certificate of occupancy for the Project.

1.2 <u>Affordable Rent</u>. For purposes of this Agreement, the term Affordable Rent for Very Low Income Households shall be as defined in California Health and Safety Code Section 50053 and Section 6922 of the Regulations, which in summary provide for rent calculated as the product of thirty-one percent (31%) times fifty percent (50%) of the Area Median Income for Santa Clara County adjusted for family size appropriate for the unit. The term "adjusted for family size appropriate to the unit" is defined therein as a presumed household size of one person for a studio unit, two persons for a one-bedroom unit, three persons for a two-bedroom unit, four persons for a three-bedroom unit, and five persons for a four-bedroom unit.

(a) For purposes of this Agreement and as defined Sections 50053 and 6922, "Affordable Rent" means the total of monthly payments for (a) use and occupancy of each Affordable Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Developer that are required of all tenants, other than security deposits, and (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but *not* including telephone service, cable TV service, or internet service. In the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

1.3 <u>Affordable Units.</u> The term Affordable Units means nine (9) of the 204 total Housing Units at the Project that are required to be made available for, rented to, and occupied by Very Low Income Households paying an Affordable Rent, as set forth in more detail below and subject to Section 3.1(a) below. Upon initial commencement of operations, Developer shall make a good faith attempt to provide such nine (9) Affordable Units with the following unit type mix : (a) two (2) studio units; (b) four (4) one-bedroom units; and (c) three (3) two-bedroom units available to

Very Low Income Households. The parties acknowledge and agree that over the term of the Affordability Period, the exact allocation between different unit sizes and types may vary according to market conditions, so long as the total number of Affordable Units does not fall below nine (9) units in total.

1.4 **Area Median Income**. Area Median Income means the median income as determined and published annually for each county in California by the State Department of Housing and Community Development ("HCD") and as defined in Health and Safety Code Section 50053; and, for purposes of this Agreement Area Median Income shall be for Santa Clara County, California.

1.5 **Housing Unit and Housing Units**. Housing Units mean each of the 204 apartment units and the total 204 apartment units to be constructed by Developer at the Site pursuant to the Entitlement for the Project with 195 market rate units at the Project and subject to Section 3.1(a) below.

1.6 **Market Rate Unit.** Market Rate Unit means a dwelling unit in the Project that is not an Affordable Unit.

1.7 **Very Low Income Household**. The term Very Low Income Household has the meaning set forth in California Health and Safety Code Section 50105 and Section 6926 of the Regulations, which includes persons or households whose annual incomes do not exceed fifty percent (50%) of the Santa Clara County median income, adjusted for household size.

2. **Availability of Affordable Units**. The Affordable Units shall be available for occupancy by, rented to, and occupied by Very Low Income Households at an Affordable Rent for the Affordability Period. All of the community facilities and amenities at the Project available for tenant households shall be available on an equal, non-discriminatory basis to tenant households of the Affordable Units.

3. **Density Bonus and Development Concessions and Incentives**. As set forth in the Entitlement and pursuant to the Density Bonus Law, Developer petitioned for and was granted the following concession and/or incentive as part of the approval thereof:

3.1 **Density Bonus**. The Milpitas Municipal Code zoning permits a maximum density of 41 to 60 dwelling units per acre on the Site for a total of 170 units on the Site; provided however, pursuant to the Density Bonus Law and as approved by the Entitlement Resolution, Developer is authorized by law to develop the Site with a density of 74 dwelling units per acre, which is an additional density of twenty percent (20%) for a total of 204 Housing Units.

(a) In the event Developer constructsand completes fewer total units at the Project then pursuant to the requirements and calculation method set forth in the Density Bonus Law the number of Affordable Units may decrease accordingly. For example, if the total number of units at the Project is 201 units, then there would be eight (8) Affordable Units and 193 market rate Housing Units. In the event this occurs, the references herein to the required number of Affordable Units shall be modified and decreased accordingly.

3.2 **Side Yard Setback Concession.** The Milpitas Midtown Specific Plan Guidelines, Chapter 8, Section 3.0, require a minimum side yard setback of ten (10) feet in the Site's zoning district. Notwithstanding the foregoing, as a concession allowed under Milpitas Municipal Code §

XI-10-54.15, the Conditions of Approval permit Developer to develop the Site with a two (2) foot setback if it so desires. Exercise of this setback concession is subject to design and engineering compliance with non-zoning regulations and real property restrictions, such as storm water collection and treatment regulations and public utility easement restrictions.

4. **Repair, Maintenance and Security.** Throughout the term of this Agreement, Developer, or its successors and assigns, shall at its own expense, use commercially reasonable efforts to maintain or cause to be maintained the Site and the Project in good physical condition, in good repair, and in safe, sanitary, habitable and tenantable living conditions in material conformity with all applicable state, federal, and local laws, ordinances, codes, and regulations; provided, however, that the Site and the Project must be maintained in tenantable living conditions only so long as they are used or held for rental purposes.

5. **No Further Incentives or Waivers**. Developer acknowledges and agrees that the concession(s) and/or incentive(s) set forth in Section 3 above fully satisfy any duty City may have under the Density Bonus Law as applied to the Project.

6. **Operation of Affordable Units**. Developer hereby agrees to make available, restrict occupancy to, and rent nine (9) Affordable Units at the Project to Very Low Income Households at an Affordable Rent, and subject to Section 3.1(a) above. The Affordable Units shall be "floating" units that are not permanently designated and shall be evenly disbursed throughout the Project; at no time shall all nine (9) Affordable Units (and subject to Section 3.1(a) above) be congregated to a certain section of the Project or adjacent to only undesirable locations or features (e.g., community trash enclosures). Affordable Units shall be of the same overall quality and appearance as the market rate units. Disbursement plan maps shall be subject to the approval of the City.

6.1 A tenant household who qualifies as a Very Low Income Household at the time he/she/they first occupy/occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such tenant household's income in accordance with this Agreement demonstrates that such individual or household no longer qualifies as a Very Low Income Household. Moreover, a unit previously occupied by a Very Low Income Household and then vacated shall be considered occupied by a Very Low Income Household during the next 45-day period pending new occupancy; provided however, such period of compliance for re-occupancy shall be not longer than 45-days. In the event a new qualified Very Low Income Household does not execute a lease/rental agreement for occupancy within such 45-day period following surrender and vacancy by the prior tenant, then the status of that unit shall be deemed a market unit.

(a) Developer shall replace such Affordable Unit by designating the next available one-bedroom or two-bedroom, as applicable, apartment as an Affordable Unit. For purposes of this Agreement, such designated apartment will be considered an Affordable Unit if it is held vacant and available for occupancy by a Very Low Income Household and, upon occupancy, the income eligibility of the tenant as a Very Low Income Household is verified and the tenant pays an Affordable Rent.

6.2 In the event a tenant household occupying an Affordable Unit initially qualifies as a Very Low Income Household but the income of such household increases, such increase shall not be deemed to result in a violation of the restrictions of this Agreement concerning limitations upon income of occupants, provided that the occupancy by such household is for a reasonable time of not to exceed one year (measured from the time the income of the household is verified to cease to

qualify as a Very Low Income Household), at which time the Housing Unit shall cease to be an Affordable Unit and the provisions of the immediately preceding Section 5.1 shall apply.

7. **Costa-Hawkins Act Acknowledgments**. Developer hereby acknowledges that the Project has received a density bonus in consideration of the provision of the Affordable Units. A density bonus is a form of assistance specified in the Density Bonus Law. As consideration for the density bonus, Developer hereby agrees that Civil Code Section 1954.52(a) (Costa-Hawkins Act) does not apply to the Affordable Units and the restrictions set forth in this Agreement and hereby voluntarily waives any claim or rights that might be provided by the Costa-Hawkins Act.

8. **Use of the Site**. The Project shall at all times during the term of this Agreement be used by Developer as an apartment complex and none of the Housing Units in the Project, to Developer's knowledge, shall at any time be utilized on a transient basis, nor shall the Site or any portion thereof, to Developer's knowledge, ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium or rest home.

9. **Selection of Tenants**. Developer shall be responsible for the selection of tenants for the Affordable Units in compliance with lawful and reasonable criteria and the requirements of this Agreement. Developer shall comply with applicable laws related to selection of tenants and requirements for fair housing, including the California Fair Employment and Housing Act (Cal. Gov't Code §12900, *et seq*.) , the U.S. Fair Housing Act and the Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601, *et seq*.), the California Unruh Civil Rights Act (Cal. Civ. Code §51, *et seq*.), and the Federal Equal Credit Opportunity Act (15 U.S.C.A. §1691, *et seq*.), which all deal with and prohibit discrimination in ownership, rental, and operation of housing.

9.1 Prior to the rental or lease of an Affordable Unit to a tenant, Developer shall require the tenant to execute a written lease and to complete an income verification form certifying that the tenant household is a Very Low Income Household and otherwise meets the eligibility requirements established for the Affordable Unit.

9.2 A reasonable preference in the leasing of the Affordable Units shall be given in the following order:

(a) Prospective tenants who live in Milpitas; and

(b) Prospective tenants who work in Milpitas; and

(c) All other prospective tenants.

While Developer agrees to provide the reasonable preference described in this Section 9.2, Developer using commercially reasonable property management practices shall be and remain solely in control of and responsible for property management, tenant selection, all day-to-day management of and decisions relating to the Property, and shall retain sole discretion as to solicitation, screening, selection, and retention of tenants for the Affordable Units in compliance with the requirements of this Agreement.

10. **Annual Report; Income Verification and Certification**. Within sixty (60) days of the initial lease-up of the Project and thereafter on or before May 1 of each year of the Affordability Period, Developer shall submit to City a summary of the income, household size, and rent payable by

each of the tenants of the Affordable Units. The initial report and each annual summary shall include information about each Very Low Income Household and shall be in a form substantially comparable to the Tenant Income Verification Form attached hereto as Exhibit B and incorporated by this reference. Developer shall obtain, or shall cause to be obtained by its property manager, a certification from each household renting or leasing an Affordable Unit demonstrating that such tenant household meets the applicable income requirements and eligibility requirements established for a Very Low Income Household renting at an Affordable Rent the Affordable Unit.

11. **Monitoring and Recordkeeping**. Developer agrees to maintain records for the Affordable Units in a businesslike manner, and to maintain such records throughout the Affordability Period. Retention of such records shall be in five-year periods such that after each five-year period for which records are required to be retained, thereafter such records may be destroyed in implementation of Developer's policy regarding records retention and records destruction.

12. **Mortgage Protection**. No breach or default under this Agreement shall defeat, terminate, extinguish, render invalid or otherwise affect the lien of any mortgage or deed of trust encumbering the Site, the Project, or any part thereof or interest therein.

13. **Default**. An event of default occurs under this Agreement when: (a) there is a breach of any condition, covenant or promise set forth herein; (b) written notice thereof has been given to the defaulting party; and (c) such breach has not been cured within thirty (30) days after such notice was given to the defaulting party or, if such breach cannot reasonably be cured within such thirty (30) day period, the defaulting party fails to commence to cure the breach and/or fails thereafter to diligently proceed to complete such cure. A waiver, if any, by a party must be in writing; and, such waiver by a party of a breach shall not be construed as a waiver of any succeeding breach of the same or other condition, covenant or promise.

14. **Remedies**. The occurrence of an event of default hereunder shall give the non-defaulting party the right to proceed with any and all remedies available at law or equity provided damages shall be limited to actual damages; the parties expressly, intentionally, and knowingly exclude consequential damages and punitive damages of a party or any other person or entity. Subject to the foregoing exclusion, such remedies may include an action for damages, an action or proceeding for specific performance, and/or an action or proceeding for injunctive relief; such action or proceeding may require the defaulting party to pay actual damages, to perform its obligations and covenants under this Agreement, and to enjoin or cease and desist from acts which may be unlawful or in violation of the provisions of this Agreement.

15. **City Approvals and Actions**. City shall maintain authority of this Agreement and the authority to implement this Agreement through City Manager (or his duly authorized representative). City Manager (or authorized representative) shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of this Agreement on behalf of City so long as such actions do not materially or substantially change the uses or development permitted on the Site, and such interpretations, waivers and/or amendments may include extensions of time to perform. All material and/or substantive changes in use or development of the Site shall require the consideration, action and written consent of the City.

16. **Attorneys' Fees**. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder or under any of the documents executed in connection herewith, the prevailing

party shall be entitled to recover from the other party its costs of suit, including without limitation expert witness fees and reasonable attorneys' fees.

17. **Time of Essence**. Time is expressly made of the essence with respect to the performance by City and Developer of each and every obligation and condition of this Agreement.

18. **Successor and Assigns**. This Agreement shall run with the land, and all of the terms, conditions, restrictions, and covenants contained in this Agreement shall be binding upon Developer, City, their permitted successors and assigns, and all successors in interest to all or any portion of the Site or the Project. Whenever the terms "Developer" or "City" are used in this Agreement, such terms shall include any other successors and assigns as herein provided.

19. **Notice**. Any approval, disapproval, demand, document or other notice which either party may desire to give to the other party under this Agreement must be in writing and may be given: (a) by personal service, or (b) by email or (c) by facsimile, so long as if by email or facsimile copy of such notice is also followed within 24 hours thereof by one of the following methods of hard copy service: (i) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (ii) mailing in the United States mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below, or at any other address as that party may later designate by notice.

If to the City:	City of Milpitas 455 East Calaveras Boulevard Milpitas, California 95035 Attention: City Manager
With Copy to:	City of Milpitas Michael J. Ogaz, Esq., City Attorney 455 East Calaveras Boulevard Milpitas, California 95035
If to the Developer:	Milpitas Multifamily, LLC c/o Shea Properties 130 Vantis, Suite 200 Aliso Viejo, CA 92656 Attention: J.J. Abraham, Senior Vice President Multifamily Development & Acquisitions
With Copy to:	Shea Properties Julia A. Guizan, Esq., General Counsel 130 Vantis, Suite 200 Aliso Viejo, CA 92656

20. **Exhibits**. This Agreement includes the following exhibits, each of which is attached hereto and incorporated herein by this reference:

20.1 Exhibit A: Legal Description of Site

20.2 Exhibit B: Sample Tenant Income Verification Form

21. **Governing Law**. This Agreement shall be governed by and construed in accordance with the laws of the State of California without reference to choice of law or conflict of law provisions.

22. **Severability**. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

23. **Priority Interest & Recording Requirement.** Prior to and as a condition to the issuance of the final certificate of occupancy by the City's Building Official for the Project, this Agreement shall be recorded in the official records of Santa Clara County, California, as a senior, non-subordinate covenant running with the land for the entire length of the Affordability Period. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the Project or any other lien or encumbrance whatsoever during the Affordability Period.

24. **Amendment or Modification**. Any amendment, alteration, change or modification of or to this Agreement, in order to become effective, shall be made in writing and in each instance signed by a duly authorized representative on behalf of each party. Each Party agrees to exercise reasonable discretion in its consideration of a request by another Party to amend this Agreement. Each amendment, alteration, change, or modification to this Agreement shall be recorded against the Site in the Official Records of Santa Clara County, California.

25. **Counterparts**. This Agreement may be signed in multiple counterparts all of which together shall constitute an original binding agreement.

26. **Titles and Captions**. Titles and captions are for convenience of reference only and do not define, describe or limit the scope or the intent of this Agreement or of any of its terms.

27. **Interpretation**. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Agreement shall be interpreted as though prepared jointly by both parties.

28. **Conflicts of Interest**. No member, elected or appointed public official or employee of the City of Milpitas shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, elected or appointed public official or employee participate in any decision relating to the Agreement that affects his personal interests, his economic interests, or the interests of any corporation, partnership or association in which he is directly or indirectly interested.

29. **Computation of Time**. The time in which any act is to be done under this Agreement is computed by excluding the first day and including the last day, unless the last day is a holiday or Saturday or Sunday, and then that day is also excluded. The term "holiday" shall mean all holidays as specified in Section 6700 and 6701 of the California Government Code. If any act is to be done by a particular time during a day, that time shall be Pacific Time Zone time.

IN WITNESS WHEREOF, City and Developer have executed this Density Bonus Housing Agreement (Milpitas Multifamily, LLC) as of the date first set forth above.

DEVELOPER:

MILPITAS MULTIFAMLY, LLC, a California limited liability company

By: Shea Properties Management Company, Inc., a Delaware corporation, its manager

By:_____
Its:_____
Title:_____

By:_____
Its:_____
Title:_____

CITY:

CITY OF MILPITAS,
a California municipal corporation

_____
Thomas C. Williams, City Manager

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF SITE

That certain real property located in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Assessor's Parcel No. 086-16-100

EXHIBIT B

SAMPLE TENANT INCOME VERIFICATION FORM

Part I -- General Information

1. Project Location: _____, Milpitas, California

2. Landlord's Name: Milpitas Multifamily LLC

Part II -- Unit Information

3. Unit Number	4. Number of Bedrooms	5. Monthly Rent	6. Number of Occupants
_____	_____	_____	_____

Part III -- Affidavit of Tenant

1. I, _____, and I, _____, as applicants for rental of an apartment unit ("Affordable Unit") at the above-described location, do hereby represent and warrant that **(my/our) gross income (anticipated total annual income) does not exceed the maximum income set forth for a lower income household in Santa Clara County, adjusted for a household size appropriate to the Affordable Unit**, as published from time to time by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the current maximum income for a Very Low Income Household of _____ persons in Santa Clara County is $_____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an apartment unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____

Tenant Initials

2. Tenants qualifying above must complete the following:

Monthly Gross Income
(All Sources of Income of All Adult Household Members Must be Listed)

Source	Head of Household	Co-Tenants	Total
Gross amount, before payroll deductions, of wages, salaries, overtime pay, commissions, fees, tips and bonuses			
Interest and/or dividends			
Net income from business or from rental property			
Social security, annuities, insurance policies, pension/retirement funds, disability or death benefits received periodically			
Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay			
Alimony, child support, other periodic allowances			
Public assistance, welfare payments			
Regular pay, special pay and allowances of members of Armed Forces			
Other			

Total: _____

Total x 12 _____ = Gross Annual Household Income

Note: The following items are **not** considered income: casual, sporadic or irregular gifts; amounts specifically for or in reimbursement of medical expenses; lump sum payments such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses; educational scholarships paid directly to the student or educational institution; government benefits to a veteran for education; special pay to a serviceman head of family away from home and under hostile fire; foster child care payments; value of coupon allotments for purpose of food under Food Stamp Act of 1964 which is in excess of amount actually charged the eligible household; relocation payments under federal, state, or local relocation law; payments received pursuant to participation in the following programs: VISTA, Service Learning Programs, and Special Volunteer Programs, SCORE, ACE, Retired Senior Volunteer Program, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience.

3. This affidavit is made with the knowledge that it will be relied upon by the Landlord to determine maximum income for eligibility and (I/we) warrant that all information set forth in this document is true, correct and complete and based upon information (I/we) deem reliable and that the statement contained in paragraph 1 and the information contained in paragraph 2 of this Part III is reasonable and based upon such investigation as the undersigned deemed necessary.

4. (I/We) will assist the Landlord in obtaining any information or documents required to verify the statements made in this Part III and have attached hereto copies of (my/our) federal income tax return(s) for the most recent tax year in which a return was filed (past two years federal income tax returns for self-employed persons).

5. (I/We) acknowledge that (I/we) have been advised that the making of any misrepresentation or misstatement in this affidavit will constitute a material breach of (my/our) agreement with the Landlord to rent the unit and will additionally enable the Landlord and the City of Milpitas to initiate and pursue all applicable legal and equitable remedies with respect to the unit and to me/us.

(I/We) do hereby swear under penalty of perjury that the foregoing statements are true and correct.

_____	_____
Date	Tenant
_____	_____
Date	Tenant

INCOME VERIFICATION
(for employed persons)

The undersigned employee has applied for a rental unit located in a density bonus housing project in the City of Milpitas. Every income statement of a prospective Very Low Income tenant must be stringently verified. Please indicate below the employee's current annual income from wages, overtime, bonuses, commissions or any other form of compensation received on a regular basis.

Annual wages _____

Overtime _____

Bonuses _____

Commissions _____

Total current income _____

I hereby certify that the statements above are true and complete to the best of my knowledge.

_____ _____ _____
Signature Date Title

I hereby grant you permission to disclose my income to _____ in order that they may determine my income eligibility for rental of an Affordable Unit located in the Project that is subject to the Density Bonus Agreement in the City of Milpitas.

_____ _____
Signature Date

Please send to:

_____
_____
_____

INCOME VERIFICATION
(for self-employed person)

I hereby attach copies of my individual federal and state income tax returns for the immediately preceding calendar year and certify that the information shown in such income tax returns is true and complete to the best of my knowledge. I declare under penalty of perjury that this information is correct to the best of my knowledge.

_____/s/_____
Printed Name

At: _____, California

Date: _____

EXHIBIT B-5

ATTACHMENT I

AGENDA ITEM: IX-3

MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING Meeting Date: October 12, 2011

APPLICATION:	**SITE DEVELOPMENT PERMIT NO. SD11-0011, MAJOR TENTATIVE MAP NO. MT11-0002, CONDITIONAL USE PERMIT NO. UP11-0032 and DENSITY BONUS NO. DB11-0001, Shea Residential Project**
APPLICATION SUMMARY:	A request to allow 204 dwelling units in four stories wrapped around a parking garage and courtyard. The project includes a density bonus in exchange for providing affordable units. The proposal also includes a vacation of right-of-way. This proposal includes development plans and architectural review for the project.
LOCATION:	1201 South Main (APN: 086-16-100)
APPLICANT:	J.J. Abraham, Shea Properties, 130 Vantis, Suite 200, Aliso Viejo, CA 92656
OWNER:	Willow Road Investors LLC, 1 Lagoon Drive, Suite 200, Redwood City, CA 94065
RECOMMENDATION:	**Staff recommends that the Planning Commission: Adopt Resolution No. 11-051 recommending approval of the project to the City Council.**
PROJECT DATA:	
General Plan/ Zoning Designation:	Very High Density Residential (VHD)/Very High Density Multi-family (R4)
Overlay Districts:	Transit Oriented Development (-TOD) and Site and Architectural (-S)
Specific Plan:	Midtown Specific Plan
CEQA Determination:	An addendum to the previously adopted Mitigated Negative Declaration was prepared pursuant to Section 15164 of the CEQA guidelines.
PLANNER:	Sheldon S. Ah Sing, Senior Planner

ATTACHMENTS:

A. Resolution No. 11-051
B. CEQA Addendum and Matteson IS
C. Project plans
D. Project narrative
E. Sun/Shadow Study
F. Executive Summary of Traffic Impact Analysis

LOCATION MAP

No scale

N

BACKGROUND
On September 18, 2007, the City Council approved a land use designation change from commercial to residential high density, and a 126 unit condominium project that also included 2,800 square feet of retail space for the subject property. The project applicant did not receive building permits to develop on the property and decided to place the project on hold because of the state of the economy. While the land use change remains in effect, as well as the California Environmental Quality Act determination, the other entitlements for the property have expired.

On August 5, 2011, Shea Properties and Kingsmill Group (applicant) submitted an application pursuant to Sections XI-1-4.00 (Tentative Maps), XI-10-57 (Site Development Permit and Conditional Use Permit) and XI-10-54.15 (Density Bonus) to construct a four-story apartment building with 204 dwelling units. Included in the proposal is a density bonus request and concession as provided by State law. The request requires a recommendation from the Planning Commission to the City Council.

PROJECT DESCRIPTION
The subject property is a 2.83 acre vacant site at the intersection of Abel and Main Streets. The subject parcel is zoned Very High Density Residential. The adjacent property to the north and east are zoned similarly. The adjacent property to the west is zoned General Commercial, while the properties across Abel Street are zoned single family residential. A vicinity map of the subject site location is included on the previous page.

Development Standards
The table below summarizes the development standards and the proposal. The project site includes a Transit Oriented Development (-TOD) overlay, which allows for additional density and height than the underlying base zoning.

Table 1
Development Standards

	Zoning Ordinance/Midtown Specific Plan	**Proposed**
Density (Maximum)	60 dwellings per acre (170 units)	72.1 dwellings per acre (204 units)
Setbacks (Minimum)		
Front (back of sidewalk) to Primary Structure (Abel)	8 ft.	10 ft.
Street Side (back of sidewalk) (Main)	8 ft.	10 ft.
Interior	10 ft.	15 ft.
Rear	10 ft.	30 ft.
Building Height (Maximum)	Five stories (75 ft.)	Four stores (72 ft.)

The project also includes the vacation of right-of-way at the intersection of Main and Abel, which would eliminate the free right turn lane from Main to Abel going north. This would allow the building to be closer to the new curb. As a result of the re-configured intersection, the pedestrian crossing along Abel becomes shorter and thus safer.

Parking
While the project's maximum dwelling unit count will not exceed 204, the site plan as proposed shows 203 units, which is the basis of the parking analysis. Regardless, even with an additional unit, the parking standards are met.

Table 2
Parking Summary

Unit Type	Number of Units	Requirement Ratio	Number of Stalls
Studio	4	0.80	4
1 bedroom	116	1.20	140
2 bedroom	83	1.60	133
Total Residential	203	1.36	277
Total Guest		0.15	42
Total Required			319
Total parking provided			**340**

Bicycle parking for the project is either provided within the parking garage or on racks accessible from the street. The table below provides a summary of the bicycle parking for the project.

Table 3
Bicycle Parking Summary

Use	Standards	Required	Provided	Notes
Residential	1 / 4 dwelling units	50.75	51	
Guest	5% of Required Parking	2.54	3	Racks accessible from street
Total provided			**54**	

Architecture
As with the previously approved project on the site, the proposal includes a classic architectural style. The contemporary Italianate style provides a transition from the contemporary designed Centria project to the north and the single-family homes to the west. The use of stone, stucco, tiled roof and balconies with wrought iron railings strengthen the style. Massing of the four story project is varied by the use of hip and gable roofs and parapet roofs and contrasting and complementing colors for the walls.

Specific attention is directed towards the treatment of the corner of Abel Street and Main Street. The corner serves as a gateway into the City's transit and the Great Mall. The proposal includes a fully functioning tower element. At the street, a water wall feature will form a plaza and direct attention to the tower entry. The water feature will include lighting and signing. Other features framing the tower at the street level include landscaping and the stone veneer incorporating Italianate design. In addition on the first level, studio residential units flank the entry corridor.

The second, third and fourth levels of the tower include residential units. At the top of the building at the corner is a roof deck. The roof deck will include both covered and open design features for passive uses. While this is a wholly residential project, the incorporation of features as described above provides a common interface with the public street corner.

Open space

Cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.

Title XI, Section 9 of the Municipal Code provides the provisions for dedication of land or payment of fee or both for recreational purposes. For this project, a total of 1.85 acres of land is necessary for recreation space. Of that amount 1.06 acres is required for public and 0.79 acres is required for private open space. Depending on the purpose, design and consistency with adopted master plans and the city's subdivision ordinance, credits may be granted against any in-lieu fee amount for recreation purposes.

Typical public recreation spaces may not include those that are inaccessible to the public, too small to be considered for public recreational spaces, areas that do not meet minimum standards, setback areas, or areas where there is duplication of an already identified and constructed facility. Public recreation spaces shall be reasonably adaptable for use for park and recreational purposes. Typical private recreation spaces include those that provide amenities to the project occupants and their guests and have areas that are reasonably adaptable for use for recreational purposes.

The applicant submitted an open space exhibit; however, staff cannot acquiesce to the plan because there is not sufficient detail and certain areas are proposed for open space, which cannot be counted by ordinance, such as the setback areas. A condition of approval requires the submittal a refined exhibit to the satisfaction of the Planning Director or designee.

Private recreation spaces

The project provides patios and balconies for the exclusive use by tenants for each unit. Other areas that are not exclusive to individual units are provided as both outdoor and indoor private recreational areas. Section 4.05(D)(1)(d) of the Zoning Code requires minimum dimensions for patios and balconies, which the project must meet when being counted towards private recreation space. In addition, the project provides a courtyard that provides both active and passive usage with a lap pool, lounge furniture and cabana rooms. A rooftop terrace provides approximately 5,000 square feet of passive area that will include chairs and viewing opportunities of the

surrounding areas. The applicant submitted sun/shadow study for summer and winter periods identifying when the courtyard would be in the shade.

Density Bonus and Affordable Housing
State density bonus law grants an increase of residential dwelling units and development concessions in exchange for providing below market rate dwellings. Title XI, Section 54.15, of the City's Municipal Code is consistent with state law (Section 65915 of the Government Code). The table below summarizes the project's proposal regarding the density bonus and affordable housing provisions.

Table 4
Density Bonus Summary

Property acreage (including vacation of ROW)	2.83
Maximum units per zoning (Max 60/du per acre)	170
Maximum units with density bonus at 20%	204
Maximum dwelling units proposed	204
Market rate units	195
Below market rate (very low) (based on 5% of baseline units per zoning ordinance	9

When five percent of very low income units are proposed, as in the case of the subject project, the bonus density provisions allow up to one concession from development standards. The applicant seeks to reduce the setback along Main Street to two feet from the required 10 feet. The reduced setback dimension will help the project accommodate the increased number of units and desired amenities. The applicant and city will enter into an agreement to ensure the operations and maintenance of the affordable units pursuant to state and local laws.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan
The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 5
General Plan Consistency

Policy	Consistency Finding
2.a-G-2: Maintain a relatively compact urban form	**Consistent.** The project includes 72.1 dwelling units per acre (including the bonus density) in a four story building.
2.a-G-3: Provide for a variety of housing types and densities that meet the needs of individuals and	**Consistent.** The project provides a variety of studio through two bedroom units. These are ideal for individuals, couples and small families. Housing will

Policy	Consistency Finding
families.	be available for rent, which is different than the types of housing that has been developed recently.
2.a-G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed use community that includes high density, transit-oriented housing and a central community.	**Consistent.** The project is a high density, transit oriented development with density of 72.1 units per acre. It is located near the Great Mall, the Great Mall transit center and light rail station.
2.a-I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.	**Consistent.** The project is surrounded by existing development and infrastructure, including utilities, and roadways.
2.a-I-22: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.	**Consistent.** The project includes a gateway feature and its streetscape will be consistent with the adopted Main Street Plan Line.

Midtown Specific Plan
The Midtown Specific Plan was adopted in 2002. The subject site is identified as an opportunity site. Implementation of the specific plan is done through compliance and consistency with stated goals and policies.

Table 6
Midtown Specific Plan Consistency

Goal or Policy	Consistency finding
Goal 2: Provide for a significant component of new housing within the area in order to improve the vitality of the midtown area; address local and regional housing needs; and reinforce the use of transit.	**Consistent.** The project provides high density near transit facilities.
Policy 3.6: Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on	**Consistent.** The project proposes to restrict nine units as below market rate, which will be designated within the very low income

Goal or Policy	Consistency finding
a project-by-project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area.	category. This proposal will be outlined in the affordable housing regulatory agreement between the City and the developer.
Policy 3.7: Integrate affordable units with market rate developments Ensure that affordable units are architecturally integrated and indistinguishable from market rate units.	The below market rate units are to be integrated into the overall project mix, including size, layout and location within the building. These units will be identified in the affordable housing regulatory agreement.
Policy 5.1: Establish a development pattern along Main Street and around the transit stations that is oriented to pedestrians and consistent with the design standards and guidelines. More specifically, buildings should address streets, pedestrian paths, parks and open spaces, and transit stations with entries, windows, bays, balconies, and other articulated features. Parking lots should not dominate the experience along any prominent street or pedestrian route.	**Consistent.** The project's location near the Great Mall, Great Mall transit station and light rail station will encourage pedestrian activity. The project provides quality architecture around the perimeter of the building at all levels. The interiorly located parking structure provides the required parking for the project.

Zoning Ordinance

When a standard is not included in the Midtown Specific Plan, then the project is subject to the Zoning Ordinance. The zoning ordinance provides additional provisions regarding landscaping and open space. Balconies and patios shall provide a minimum 60 square feet of area in accordance with Section 10-4.05D(1)(d).

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration. Staff determined that an addendum is appropriate for this project. With respect to the project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, an addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164. The elimination of the retail component reduces impacts caused by the project. See Attachment B for the CEQA Addendum.

PUBLIC COMMENT/OUTREACH

The applicant held a community meeting pursuant at the suggestion of staff because of its location near an established residential neighborhood on September 8, 2011 at Pearl Zanker Elementary. Notices regarding the meeting were sent to property owners and tenants within 1,000 feet of the project site by the applicant. One interested person from the Centria project

attended the meeting. Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The project represents a high density urban in-fill development near transit and retail. The massing is consistent with the zoning and the architectural style complements the surrounding development.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. recommending approval of **Site Development Permit No. SD11-0011, Major Tentative Map No. MT11-0002, Conditional Use Permit No. UP11-0032, Density Bonus No. DB11-0001, and an Addendum to a previously adopted Mitigated Negative Declaration, Shea Residential Project**, subject to the attached Resolution and Conditions of Approval.

Attachments:

A. Resolution No. 11-051
B. CEQA Addendum
C. Project Plans
D. Project narrative

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

October 12, 2011

I. ROLL CALL

Present: Mandal and Tiernan
Staff: Andrade and Lindsay

1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0037

James Lindsay, Planning Director, presented a request to add new compact parking spaces to an existing shopping center located at 1235 E. Calaveras Blvd. Mr. Lindsay recommended approving Minor Site Development Permit No. MS11-0037 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0037 subject to the conditions of approval.

M/S: Mandal, Tiernan

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:39 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES

October 12, 2011

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Larry Ciardella, John Luk, Sudhir Mandal, and Mark Tiernan
Absent: Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo and Steve Tao
Staff: Ah Sing, Andrade, Barnhart, Bravo, Lindsay, and Otake

Alternate Commissioner John Luk was seated as a member of the voting body.

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

IV. APPROVAL OF MINUTES
September 28, 2011

Chair Mandal called for approval of the minutes of the Planning Commission meeting of September 28, 2011.

There were no changes to the minutes.

Motion to continue this item to the October 26, 2011 meeting.

M/S: Mandal, Luk

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

V. ANNOUNCEMENTS

Chair Mandal announced the resignation of Planning Director James Lindsay. Chair Mandal and the other Commissioners thanked Mr. Lindsay for all the services he has provided as Planning Director.

VI. CONFLICT OF INTEREST

Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Ciardella, Tiernan

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

VIII. CONSENT CALENDAR

There were no items on the Consent Calendar.

IX. PUBLIC HEARING

1. SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0005, MAJOR TENTATIVE MAP AMENDMENT NO. TM11-0001 and CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0008, CITATION RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to amend the previously approved project to allow a fifth story and to replace a "wrap" condominium unit building with townhomes. The project site would accommodate up to 732 dwelling units with density averaging. The proposal includes a vesting tentative map for condominium purposes. This proposal includes development plans and architectural review for the project. The project is located at 1200 Piper Drive. Mr. Ah Sing recommended adopting Resolution No. 11-048 recommending approval to the City Council.

Commissioner Tiernan asked about the issues from Union Pacific. Mr. Ah Sing stated the developers have been working with the railroads including VTA.

Chair Mandal opened the public hearing.

Scott Littlehale, Carpenters Union Local 405, gave a presentation on why additional environmental review is necessary for the project.

Danny Diaz, 2061 Conway Street, stated the public needs to be aware of the construction.

Mike Sullivan, 404 Saratoga Ave, Santa Clara, stated they studied the letters from the Carpenters Union and believe the environmental challenges are without merit.

Motion to close the public hearing.

M/S: Ciardella, Tiernan

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Commissioner Tiernan asked staff to give an analysis on the issues raised. Mr. Otake stated this project is exempt due to consideration of possible environmental impacts created by the project through a previous environmental document. Also, the project is exempt under Section 15061(b)(3) of the CEQA guidelines. Commissioner Tiernan asked if the Jones Chemical site a closed case. Mr. Otake stated the site itself has been listed as closed by the Department of Toxic Substances Control. The California Regional Water Quality Control board has given it a clean bill of health for residential uses.

Chair Mandal asked how long the EIR valid. Mr. Lindsay stated it depends on the conditions. There is no timeframe given under CEQA. Chair Mandal asked what has been on that land. Mr. Lindsay stated the land has been vacant for many years.

Commissioner Tiernan asked if this project in the Transit Area Specific Plan. Mr. Lindsay stated that is correct.

Chair Mandal asked if the builder working with staff to mitigate the noise level. Mr.

Lindsay stated yes. The developer is working with staff to reduce noise and vibration affecting the project.

Motion to adopt Resolution No. 11-048 recommending approval to the City Council.

M/S: Ciardella, Tiernan

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

2. SITE DEVELOPMENT PERMIT NO. SD11-0012, CONDITIONAL USE PERMIT NO. UP11-0033, and TENTATIVE MAP NO. MT11-0003

James Lindsay, Planning Director, presented a proposal to redevelop an 8.3 acre site with 134 residential units (91 Townhomes and 43 Detached Single Family Homes), installation of associated site improvements, and a conditional use permit for exceptions on setbacks and lot area requirements. The project site is located at 300, 324-368 Montague Expressway. Mr. Lindsay recommended adopting Resolution No. 11-050 recommending approval to the City Council.

Chair Mandal asked about the schools and parks. Mr. Lindsay stated the City Council approved 11 acres of property with the MUSD. Chair Mandal asked if there will be efficient parking on Trade Zone Blvd or Montague Expressway. Mr. Lindsay stated this project is meeting all the enhanced parking requirements.

Garrett Hines, Trumark Companies, gave a detail presentation of the project. He stated the site is within a 10 minute walk from the future BART station.

Chair Mandal asked if the developer will be working with local contractors. Mr. Hines stated they do reach out to the local community for implementation and construction. Chair Mandal asked if there will be a pedestrian safety walk to BART and Great Mall. Mr. Hines stated there will be a sidewalk that connects to the Great Mall, Light Rail, and BART. Mr. Lindsay stated it is a network that will be built out over time.

Chair Mandal opened the public hearing.

Scott Littlehale, Carpenters Union Local 405, believes there are cancer risks involved with the development of the project near the expressway. Comments were submitted to staff.

Joseph Sun, Pastor, 380 Montague Expressway, stated he welcomes the development project. He hopes the construction does not hinder the church's regular activities.

Motion to close the public hearing.

M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Motion to adopt Resolution No. 11-050 recommending approval to the City Council.

M/S: Tiernan, Luk

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

3. SITE DEVELOPMENT PERMIT NO. SD11-0001, MAJOR TENTATIVE MAP NO. MT11-0002 and CONDITIONAL USE PERMIT NO. UP11-0032, DENSITY BONUS NO. 11-0001, SHEA RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to allow 204 dwelling units in four stories wrapped around a parking garage and courtyard. The project includes a density bonus in exchange for providing affordable units. The proposal also requests the vacation of street right-of-way. This proposal includes development plans and architectural review for the project. The project is located at 1201 South Main Street. Mr. Ah Sing recommended adopting Resolution No. 11-051 recommending approval to the City Council.

Commissioner Tiernan asked about the density bonus. Mr. Ah Sing stated if the applicant provides affordable units they are entitled to a density bonus. Commissioner Tiernan asked how many below market units will there be. Mr. Ah Sing stated there will be nine (9) below market units.

Commissioner Ciardella asked about the storm water runoff. Mr. Ah Sing stated the applicant has to comply with the storm water regulations.

Keith Victor, Kings Mill Group, stated has partnered with Shea Properties to bring 1200 Main Street to the City of Milpitas.

J.J. Abraham, Shea Properties, 130 Vantis, Aliso Viejo, gave a presentation on Shea Properties.

Commissioner Ciardella asked about the two (2) ft setback concession request based on project's proposal to provide affordable housing. Mr. Abraham stated their goal is to look at moving the building closer to Main Street and thereby providing more interior courtyard area. Commissioner Ciardella asked if the patios will be larger. Mr. Abraham stated yes. Commissioner Ciardella asked what kind of water feature will there be at the intersection of Main and Abel. Mr. Abraham stated the water feature will conform to City standards regarding life safety issues.

Chair Mandal asked about the maintenance of the complex. Mr. Abraham stated it will be well maintained at all times.

Commissioner Luk stated he has been to Shea Properties in San Jose and they are beautiful. Commissioner Luk believes Milpitas does need affordable housing including rental units. He believes this project would be a bonus and landmark to the City.

Chair Mandal asked if Shea has a policy to use local contractors. Mr. Abraham stated they use union or local project manager. They hire local trades.

Chair Mandal opened the public hearing.

Guy Haas, 1277 Fallen Leaf Drive, has a concern with privacy issues with the taller buildings.

Scott Littlehale, Carpenters Union Local 405, stated the contractors cannot afford to rent these units and described the proximity of the project to the railroad with respect to air quality.

Motion to close the public hearing.

M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

Chair Mandal asked about the EIR. Mr. Lindsay stated an addendum was prepared to the adopted mitigated negative declaration for the previously approved project.

Commissioner Tiernan and Commissioner Luk stated support for this project.

Motion to adopt Resolution No. 11-051 recommending approval to the City Council.

M/S: Tiernan, Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, and Steve Tao)

ABSTAIN: 0

X. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. to the next meeting of October 26, 2011.

Respectfully Submitted,

Sheldon Ah Sing
Senior Planner

Yvonne Andrade
Recording Secretary

M E M O R A N D U M

To: Honorable Mayor and City Council

From: Sheldon Ah Sing, Senior Planner

Date: October 25, 2011

Subject: **Staff Analysis of Issues Raised in Electronic Comment Submission from Scott Littlehale, Carpenters Local Union 405**

City staff believes that none of the traffic and air quality concerns raised in the email from Scott Littlehale, Senior Research-Analyst, Carpenters Local Union 405, to Sheldon Ah Sing, Senior Planner, City of Milpitas, dated October 12, 2011, have any merit or prevent consideration of this project at this time. Under CEQA, an addendum to an adopted negative declaration should be prepared by a city if only minor technical changes or additions are necessary or none of the conditions calling for the preparation of a subsequent negative declaration or environmental impact report has occurred. A city must prepare an environmental impact report only if there are new significant environmental effects associated with the refined project.

The Shea Residential Project application only makes minor technical changes to the project and does not result in any new significant environmental effects. The proposed project eliminates 2,800 square feet of commercial space and increases the number of dwelling units by 78. The current traffic study using standardized and widely recognized methodology shows that there are no new significant impacts for the project in accordance with CEQA. The current traffic study uses a more conservative approach to trip generation than what was used in the previous negative declaration. Again, this is using standardized and widely accepted techniques. Using a consistent trip generation rate used in the negative declaration produces 50 fewer daily trips. Traffic and air quality have a direct correlation. By the project having fewer trips than the previously approved project, the impacts to air quality and traffic are reduced.

The project is also located within the Midtown Specific Plan, but is adjacent to the Transit Area Specific Plan adopted in 2008. The Midtown Specific Plan when adopted in 2002 included goals and policies to create the Transit Area Specific Plan to develop amongst many things new housing, an intensity of development to support transit such as rail and establishment of a mixed use district. It was envisioned in 2002 and in 2007 when the underlying negative declaration for the project site was adopted that high density, mixed use projects would develop in the sub-area of the Midtown now know as the Transit Area Specific Plan, such as the Integral McCandless mixed use project. As stated above and in the addendum, the impacts of the project, especially as to traffic and air quality, are actually lessened in severity and do not require the preparation of a supplemental environmental impact report or negative declaration.

Finally, the commenter mistakenly asserts that the adoption of new Bay Area Air Quality Management District (BAAQMD) air quality standards was not addressed in the previous negative declaration and somehow necessitate the preparation of a supplemental environmental impact report. The underlying negative declaration used the BAAQMD screening tools to determine air quality impacts based on the size of the project and its traffic trip generation. The underlying traffic studies for the project therefore considered the effects of fine particulate matter (PM 2.5). Even under the new BAAQMD standards, the project would not reach the updated levels of significance as, again, the total trips generated by the refined project are reduced. The adoption of new regulations by the BAAQMD does not represent "new information" or otherwise require the preparation of a supplemental environmental impact report or further CEQA clearance.