Attachment List

2. Conduct a Public Hearing and Take Actions including a General Plan Amendment and a Zoning Amendment for a Land Use Change from Industrial Park to Multifamily Residential to Construct 144 Residential Units and Associated Site Improvements at 1210 California Circle (Staff Contact: Steve McHarris, 408-586-3273)

Attachments:

2A. City Council Resolution for Approval

2A-1. City Council Resolution for Denial

2A-2. Planning Commission Resolution for Denial

2B. 10-22-14 Planning Commission Staff Report

2C. 10-22-14 Planning Commission Meeting Minutes

2D. Initial Study and Mitigated Negative Declaration

2E. Project Plans

2F. Comment Letter

2G. Comment Letter

2H. MUSD email

2I. Ordinance No. 38.818

2J. City Council Resolution No. 8220 regarding Amendments to the Land Use & Circulation Elements

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT NO. GP14-003, ZONING AMENDMENT NO. ZA14-0010, PLANNED UNIT DEVELOPMENT PERMIT NO. PD14-0001, SITE DEVELOPMENT PERMIT NO. SD14-0013, ENVIRONMENTAL ASSESMENT NO. EX14-0001 AND MAJOR VESTING TENTATIVE MAP NO. TM14-0001, TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM INDUSTRIAL PARK (MP) TO MULTIFAMILY RESIDENTIAL (R3) FOR THE DEVELOPMENT OF A 144 UNIT TOWNHOUSE SUBDIVISION ON 9.45 ACRES LOCATED AT 1210 CALIFORNIA CIRCLE (APN: 022-37-017)

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial ("Applicant"), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle ("Project"). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed Project; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the Project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014 and October 21, 2014; and

WHEREAS, on October 22, 2014, 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 the City Council deny the general plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3); and

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

Section 1: The City Council has duly considered the full record before it, which may include but is not limited to such things as the City 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.

Section 2: The City of Milpitas is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project. The City Council has reviewed, considered and exercised its independent judgment on the Initial Study/Mitigated Negative Declaration (MND) and the Mitigation and Reporting Program for the Project, and by this reference, incorporated into this Resolution as if fully set forth herein. Based on all of the foregoing and information and documents in the administrative record, the City Council does hereby make the following findings: (i) the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; (ii) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (iii) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with State and local guidelines implementing CEQA; and (iv) the Initial

Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The City Council designates the Director of Planning and Neighborhood Services at the Milpitas City Hall at 455 East Calaveras Boulevard, Milpitas, CA 95035, as the custodian of documents and records of proceedings on which this decision is based.

The City Council does hereby approve and adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are (i) on file at Milpitas City Hall at 455 East Calaveras Boulevard, Milpitas, CA 95035; and (ii) available for inspection by an interested person. All applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program on file with the City of Milpitas Planning Department will apply to the Project, reducing the project impacts to less than significant, as further set forth in **Exhibit 1.b**.

Section 3: Milpitas General Plan Conformance Findings – Milpitas Municipal Code Section XI-10-57.02 - *The City Council makes the following findings based on the evidence in the public record in support of General Plan Amendment:*

1. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

As discussed in detail in the accompanying Planning Commission staff report, the General Plan Amendment to designate the site Multi-Family is consistent with the past action of the City Council at this general location and will provide a connective residential community.

The project meets the following General Plan land use guiding and implementing principles:

- 2.a-G-3 – Provide for a variety of housing types and densities that meet the needs of individuals and families.
- 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.
- 2.a-G-7 – When considering development proposals, seek "community benefit", such as upgrading infrastructure facilities, constructing new infrastructure facilities and funding contributions to programs.
- 2.a-G-9 – The city should make land use decisions that improve the City's fiscal condition.

The proposed project is consistent with several General Plan guiding policies. The proposed project includes 144 new townhouse style housing units that will provide new homeownership opportunities in the community. The proposed project also provides a small on-site public park open space area that would be utilized by the project residents. The proposed landscape plan includes perimeter planting and landscape improvements and pedestrian walkway along the northern and eastern project boundary. These proposed pedestrian walkways will include a public access easement. The applicant submitted a fiscal impact analysis of three scenarios; the conceptual residential development; the existing conditions of the vacant industrial building; and a hypothetical occupied industrial use of the project site. The analysis concludes that the proposed residential development yields higher net revenue to the general fund when compared to the two other low value scenarios.

2. *The proposed amendment will not adversely affect the public health, safety and welfare*

Changing the land use designation for the Project site from Industrial Park (MP) to Multifamily Residential (R3) will not adversely affect the public health, safety and welfare. The residential

designation is consistent with the residential development to the east of the project site (across the creek) as well as consistent with the recently approved residential development to the north of the project site along California Circle.

The proposed multi-family residential development is designed in a series of three stories buildings ranging in size from 3-unit to 8-unit building types with the majority being 6-unit buildings. The front elevation of the buildings includes stucco finish and stone veneer along the first level with front entry stoops and porches. There are some second story balconies with metal railing and standing metal seam accent roof and occasional use of metal projecting awning over windows elements. The buildings include a mix of cement plaster finish and cementitious (simulated wood) siding. The rear elevations include garage doors with windows, a mix of stone veneer, cementitious horizontal siding and cement plaster finish on the first floor. Decorative trellis features are included above the garage doors. A flat concrete tile roof shingles is proposed for all buildings. The buildings are proposed at a height of approximately 38'-2" from finished grade. As conditioned, the residential use will not negatively impact adjacent commercial uses and the circulation network is sufficient for the new use.

Section 4: Major Tentative Map Findings – Milpitas Municipal Code Section XI-1-20.01 - *The City Council makes the following finding based on the evidence in the public record in support of the Major Tentative Map:*

1. *The tentative subdivision map is consistent with the Milpitas General Plan.*

As discussed in the accompanying Planning Commission's staff report and above, the proposed tentative subdivision map complies with the R-3 Zoning District and to the development standards of the General Plan. The proposed project type, density and size are all consistent with the Multiple Family Residential General Plan Land Use Designation.

Summary of Development Standards

	Standard	Proposed	Complies?
Setbacks (Minimum)			
Front	20 feet	24 feet along California Circle property frontage	Yes
Street Side	10 feet	15 provided along northern property line	Yes
Interior	12 feet	24 feet is provided along California Circle	Yes
Rear	40feet	40 feet is provided to top of creek bank (95 is provide to property line)	Yes
Building Height (maximum	35 feet	38 feet proposed (request 42 feet height limit)	Yes - with approval of PUD
Density	12-20 units per acre	15.2 units per acre	Yes

As indicated above, the project is consistent with the development standards required for the R-3 Zoning District, except for building height. The project complies with the setback requirements, parking

requirements and density. With the issuance of the Planned Unit Development Permit, the project will comply with the building height.

Section 5: Planned Unit Development Permit Findings – Milpitas Municipal Code Section XI-10-54.07 - *The City Council makes the following findings based on the evidence in the public record in support of the Planned Unit Development Permit:*

1. *Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

The applicant will be required to contribute $250,000 as a public benefit for A City of Milpitas Community gateway Signage Program and up to two new gateway signs in the City. In addition, the California Circle street frontage will be improved with new decorative crosswalk paving and two pedestrian walkways are proposed within the development for public access.

2. *The proposed Planned Unit Development is consistent with the Milpitas General Plan*

As discussed in the accompanying Planning Commission staff report and above, the proposed development is consistent with the Multi-Family residential designation density and use and is consistent with other provisions of the General Plan.

3. *The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction or loss of privacy that are not mitigated to acceptable levels.*

As discussed above, the proposed residential development is consistent with the residential uses to the north and east of the site and will not have a negative impact on adjacent properties. The residential neighborhood to the east is located across the creek and will not experience shadows or loss of views from the proposed development. The existing commercial developments across California Circle will also not be negatively impacted by the multi-family residential buildings.

Section 6: Site Development Permit Findings – Milpitas Municipal Code Section XI-10-57.01(F) - *The City Council makes the following findings based on the evidence in the public record in support of the Site Development Permit:*

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

As discussed in the accompanying Planning Commission's staff report and above, the project is consistent with this finding as it complies with the development standards contained within the R-3 District and the municipal code. The project is designed with a circulation network that connects with existing street and to future developments. As conditioned, the proposed buildings contain a variety of finish materials and articulations and with further refinement will be of high quality design on all sides. The perimeter landscaping and street improvements will provide a benefit to the neighborhood and pedestrian environment.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

As discussed in the accompanying Planning Commission's staff report and above, with the approval of the Planned Unit Development Permit and adoption of the Zoning Amendment, the project will comply with the Milpitas Zoning Ordinance. The project is consistent the R-3, Multi-Family Residential zoning requirements and other code requirements.

3. The project is consistent with the Milpitas General Plan.

With the approval of the requested General Plan Amendment to Multi-Family residential designation, the project will be consistent with the Milpitas General Plan. As discussed in the accompanying Planning Commission staff report and above, the project is consistent with the General Plan policy to provide for a variety of housing types and densities that meet the needs of individuals and families. The project includes a mix of two and three bedroom units in a multi-family townhouse building format. The project also includes on-site private park open space areas and pedestrian walkways along the northern and eastern project boundary for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north, consistent with the General Plan policy to create a park-like setting and a greenway system laced throughout all living areas. Based on the applicant's fiscal analysis, the project will provide an increase in annual net revenues as compared to the existing use that will contribute to the City's financial position.

Section 7: The City Council of the City of Milpitas hereby approves General Plan Amendment No. GP14-003, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. 14-0013, Environmental Assessment No. EA14-001 and Major Tentative Map No. TM14-0001 based on the above Findings and subject to the Conditions of Approval and attachments hereto.

Section 8: All findings made in Ordinance No. 38.318 relating to Zoning Amendment No. ZA14-0010 are hereby incorporated fully herein by this reference. This Resolution shall become effective on the same date and time as Ordinance No. 38.818. In the event Ordinance 38.818 does not become effective, this Resolution shall have no legal force or effect.

PASSED AND ADOPTED this _____ day of _____, 2014, 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
iStar
General Plan Amendment No. GP14-003, Zoning Amendment No. ZA14-0010, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. SD14-0013, Environmental Assessment No. EX14-0001 And Major Vesting Tentative Map No. TM14-0001

General Conditions

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. General Plan Amendment No. GP14-003, Zoning Amendment No. ZA14-0010, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. SD14-0010 and Major Vesting Tentative Map No. TM14-0001 (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County's Recorder Office.

2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which Ordinance No. 38.818 becomes effective.

3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:

    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:

    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.

5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit.

7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to City. There is no vesting of any fees or charges with the adoption of this Resolution.

9. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.

10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

11. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.

15. Permittee shall develop the approved project in conformance with the plans reviewed by the City Council on November 18, 2014, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee 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, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

16. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**

17. Public Benefit. Prior to any building permit application submittal, Permittee shall pay City the amount of Two Hundred and Fifty Thousand Dollars ($250,000) for a Professional City of Milpitas Community Gateway Signage Program, and design and construction of up to two gateway signs within the City limits (See proposed Scope in **Exhibit 1.c**). **(P)**

18. The project/development shall comply with the requirements of the Fire Department and the CA Fire Code. Changes to the site plan and/or internal circulation shall be reviewed and approved by the Fire Department.

Site Development Permit

19. Entry Pavement and Internal Crosswalk Treatment. Prior to issuance of any building permit, Permittee shall complete the following:
    a. Internal crosswalks and the project driveway entry shall utilize decorative paving such as but not limited to stamped colored concrete, textured paving stones, or other material to the approval of the Planning Director. (P)
    a. The pedestrian walkway along the northern property line shall include a decorative landscape gateway treatment to the satisfaction of the Planning Director.
    b. Widen the mid-block crosswalk on Street "A" to eliminate the jog in the crosswalk.
    c. Pedestrian walks shall extend to drive aisles between buildings 11 and 12 and between buildings 17 and 18. The pedestrian path extension may require modification or elimination of one guest parking space.
    d. Internal crosswalks along Street "B: shall be aligned perpendicular to the street and not at an angle across the street.

20. Fencing and Walls. Prior to issuance of any building permit, Permittee shall conduct further acoustical analysis consistent with the MND findings to determine where solid barriers are required and where open metal picket fencing may be acceptable. Prior to issuance of any building permit, Permittee shall submit for approval from the Planning Director a plan indicating wall or fence design and heights for each property. The four foot tall safety railing fence along the eastern side of the buildings shall be relocated to the eastern side of the landscape strip adjacent to the pedestrian walkway along Penitencia Creek. Perimeter fencing shall match the materials and design of the California Circle Waterstone project fencing to the north.

21. Trash Enclosure. Prior to issuance of any building permit, Permittee shall submit details and elevations of proposed trash enclosure. The proposed trash enclosure shall be constructed of CMU masonry walls finished to match the stucco finish on the adjacent buildings and include durable metal

decorative gates, trellis, and/or other architectural detailing subject to the approval of the Planning Director. (P)

22. Lighting Plan. Prior to issuance of any building permit, Permittee shall submit a lighting and iso-illumination plan that shall demonstrate 1) safe and adequate lighting of the project site and 2) lighting is contained and does not spill over onto adjacent properties or create unwanted glare. Permittee shall provide detail, elevations and manufacturer's specifications on proposed light fixture for, light standards, and wall sconces subject to Planning Director approval. Proposed light fixtures shall be high quality and complement the architectural style of each townhome. Light fixtures over garage doors shall be of high-quality, residential scale, architectural design, subject to final approval by the Planning Director. Particular attention shall be paid to the pedestrian paseo along the northern property line and the creek trail for evening security and safety. (P)

23. Architectural Elevations. Prior to issuance of any building permit, Permittee shall modify the building elevations to reflect high quality material, finishes, and articulation. Components of the buildings shall be modified to be consistent with the design requirements contained in the attached Exhibit 1.a. Such revisions to the building architecture are subject to Planning Director review and approval and includes the following:

    a. The side elevations shall be revised to provide façade enhancements equal to the entry facades including unit entries, façade articulation, materials changes, color changes, architectural detail, landscaping and (where possible) wrap-around porches and balconies.
    b. Modifications shall be subject to the following design principles:
        i. Provide individualized units with varied materials and form articulation assembled into a unified building whole;
        ii. Provide distinctive and varied unit entries;
        iii. Provide varied roof eave lines;
        iv. Provide abundant projecting architectural details; and
        v. Provide variety in façade treatment for adjacent buildings (side by side and across auto courts and pedestrian areas);
    c. The stucco shall be a medium-dash finish on the body of the building with smooth stucco finish on all window, door, and other trims. The Owner or Designee shall provide a sample mock-up of the stucco finish for the body and trim prior its application on the first building for Planning Director approval.
    d. Provide additional architectural elements and detailing on all street facing and end unit elevations subject to Planning Director review and approval.
    e. Prior to issuance of any building permit, color selection for all buildings shall be submitted to the Planning Director for review and approval. (P)
    f. All roof eaves shall have a minimum 12-inch projection and provide substantial exposed beams/rafter tails, corbels or brackets.

    Windows and Doors

    g. All windows shall be designed to provide a range of 2 to 4-inch recess on front elevations and exposed side or rear elevations.
    h. All window styles and window muntin patterns shall reinforce the architectural style of the home.
    i. All windows shall include decorative headers or lintels above the window opening and/or projecting bottom sill that complements the architectural style and design of the home.

j. All window trims shall measure 4-inches wide. Foam trims that do not simulate a wood like appearance shall be of smooth stucco. (P)
k. All awnings shall reflect the architectural style and character of the building on which they are located. Awnings shall complement the scale of proportion of window openings and are permanently attached with decorative ties or brackets to the building façade.
l. All decorative shutters shall be visually functional and capable of fully covering window openings they frame.
m. All pedestrian and garage doors shall be decorative, distinctive, and provide variation between each unit. All pedestrian and garage doors should reinforce the architectural style of the home and include ornamentation such as but not limited to recessed or grooved panels, windows, arched tops, metal studs and decorative hardware.

Entries, Porches and Decks

n. All porches shall have a minimum width of 6-feet. All above ground balconies and roof decks shall provide a minimum of 40 square feet.
o. Elevated stoops at porches shall be designed to complement the architectural style of the home. Post, handrails, and treads shall utilize similar materials and styles as the main structure.
p. The paseos shall utilize decorative paseo pavers to link courtyard yards and patios.

Garages

q. All garage doors shall provide a minimum recess of 6-inches.
r. All garage doors style should reinforce the architectural style of the townhome and provide variation and utilized decorative paneling, windows, hardware and/or other embellishments. No vents shall be allowed on garage doors.
s. All garage doors shall include clear glass windows to allow for visual inspection to ensure garages are not used solely for storage as they are intended for parking of cars.

24. Retaining Walls. Prior to issuance of any building permit, Permittee shall demonstrate the following:
    a. All retaining walls within the project shall be decorative in appearance and consist of stone materials with pre-cast concrete cap in a finish material to match the California Circle Waterstone project retaining wall design and finish material subject to the review and approval of the Planning Director.

25. CC&Rs. Permittee shall include disclosure statements informing future residents regarding noise due to the proximity of I-880, potential noise, truck traffic as well as the use and/or storage of hazardous material associated with normal operations of adjacent industrial and commercial business activity and development; potential light and glare from an approved 60-foot illuminated freeway sign, and proximity to odor sources such as the Newby Island Landfill and Composting facility as well as San Jose Sewage Treatment Plant. Furthermore, CC&R shall restrict the use of gasoline powered landscape equipment (blowers and string trimmers). The CC&Rs shall also provide notification of the SCVW planned project to construct elevated levee improvements including flood walls and banks.

26. Landscaping. Prior to issuance of any building permit, the following modifications shall be incorporated in revised landscaping plans to the approval of the Planning Director: (P)
    a. Structural (amended) soil shall be used for all landscaping in the public right-of-way.

b. All existing ground transformers and utility vaults located along a public street frontage shall be located underground or relocated to back of sidewalk. Other utilities and mechanical equipment shall be located under-ground or screen from all views. (P)
c. Permittee shall include enhanced landscaping between buildings 23 and the trash enclosure.
d. Permittee shall redesign the landscape plan to include a continuous tree pattern along the property frontage at California Circle (no breaks in the tree line).
e. The landscape plan shall be revised to include a minimum of three evenly spaced benches along the six foot wide landscape strip along Penitencia Creek.
f. The landscape plan shall be revised to include large shade trees along the trail frontage (along the Penitencia Creek property line).
g. The final landscape tree selection and placement shall be to the satisfaction of the Planning Director.
h. All site amenities referenced on sheet L1.3 shall be to the final satisfaction of the Planning Director.
i. Eliminate the last guest parking space along drive aisle 6 to expand the landscape area adjacent to the creek trail. A landscape planting area shall also be added along the edge between the pedestrian walk and the end of the drive isle.

27. Climate Action Plan Compliance. Prior to issuance of any building permit, Permittee shall demonstrate that all residential units will provide the following:

    a. Pre-wired for solar photovoltaic systems.
    b. Provide 240 Volt outlets for electric cars in garages.
    c. Provide exterior electrical outlet for gardening equipment.

28. Easement. Proposed development shall dedicate a 16' wide public service utility sidewalk easement area along the entire property frontage at California Circle. Permittee shall remove and replace all sidewalk and landscape to provide four foot wide landscape strip (at back of curb), eight foot wide sidewalk and four foot wide landscape strip along entire property frontage.

29. Utility Relocation. All above grade utility and water vaults or equipment shall be relocated in the four foot wide landscape strip at back of sidewalk and shall not encroach into the eight foot wide sidewalk and shall not cause the sidewalk to meander around the utility apparatus. This includes any above grade joint trench facilities. The utility cabinets may need to be located into the project landscaped areas and retaining walls may need to be modified accordingly.

30. Site Improvement. All proposed streets and utilities within the project site shall be private and Home Owners Association owned, operated, and maintained. All streets and utilities shall be designed per the City's applicable public streets and utilities standards. Rolled curbs may be permitted along the drive aisles for access to garage driveways. All other curbs shall be vertical.

31. Public Easements. Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes.

32. Site Improvement. Prior to issuance of any building permit, Permittee must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), plan check and inspection deposit, and 2.5% building permit automation fee. These fees are collected as part of the 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.

33. Park Improvement. The cloth shade structure over the seating area in the larger private park shall be replaced with a permanent shade structure, and a cloth shade structure shall be installed over the seating area within the smaller private park to the satisfaction of the Planning Director.

34. Site Improvement. The proposed playground shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission.

35. Site Improvement. Prior to occupancy/final permit issuance for the playground area, Permittee shall have a playground safety inspector, certified by the National Playground Safety Institute, conduct an initial inspection for the purpose of aiding compliance with the playground safety requirements.

Planned Unit Development Permit

36. Planned Unit Development Standards.
    a. Roof materials shall be limited to concrete tile. (P)
    b. Building color and material changes shall be to the approval of the Planning Director. (P)
    c. All garage doors shall be roll-up doors only. (P)
    d. No garage conversions shall be allowed. Each unit shall include a deed restriction to prohibit garage conversions.(P)
    e. Decorative concrete street paving shall be maintained in perpetuity.
    f. All common areas shall be maintained in perpetuity by the Homeowner Association.
    g. Any modifications to the PUD development standards and special conditions will require an amendment to the Planned Unit Development Approval and require Planning Commission review and approval. (P)

Mitigation Measures

37. Mitigation Monitoring Program. Prior to issuance of any building permit, Permittee shall comply with the Project's Mitigation Measures outlined in the Initial Study/Mitigated Negative Declaration and as attached (Exhibit 1.b) and continue or cause to continue to comply with any applicable measures.

Tentative Map

38. Project Specific Conditions:

    b. Reciprocal Access: Prior to final map approval, Permittee shall execute a reciprocal access agreement across Street B to facilitate site access to both parcels when the adjacent property to north (BAPS site) redevelops. Permittee shall install signage along the end of Street "B" to indicate future roadway connection.

    c. Public Access: Prior to final map approval, Permittee shall dedicate a public service, utility, and sidewalk easement (PSUSE) along the pedestrian paseo along the northern property line and across the creek trail for public access and recreation.

    d. Public Improvements: Prior to final map approval, Permittee shall obtain design approval and bond for all necessary public improvements along California Circle, including but not limited to the following:

i. Removal and installation of new curb, gutter, sidewalk, street lights, landscaping, signage and striping, fire hydrants, and storm, water and sewer service installation/connection.
ii. Removal and replacement of all ADA ramps along entire property frontage, along both sides of street, to comply with the ADA requirements.
iii. Remove and replace all street lights along the property frontage with City standard LED cobra head lights.
iv. AC pavement base repairs, micro-surfacing, and pavement restriping the full width of California Circle frontage to the satisfaction of the City Engineer .
v. Enhance the pedestrian crosswalk at the intersection of California Circle and Fairview Way with decorative paving to the satisfaction of the City Engineer.
vi. Construct a new mid-block decorative crosswalk with raised pedestrian refuge island across California Circle at the pedestrian paseo along the north property line. The crosswalk shall include flashing warning beacons.

e. Sanitary Sewer Lining: Permittee shall install structure lining inside approximately 800 linear feet of the existing 42 inch diameter sanitary sewer pipeline in accordance with City requirements from the first manhole beyond the project boundary on all sides. The lining shall be Insituform Cast-in-place pipe or approved equal, to the satisfaction of the City Engineer. No fill or structures are allowed on top of the sewer easement. Permittee shall design adjacent building foundations to be self-supporting so City can repair the sanitary sewer pipeline in the future. Any damage to adjacent buildings or foundations resulting from maintenance, repair, or replacement activities on the 42 inch diameter pipe shall be solely borne by the Homeowners Association. No deep rooted plantings such as trees are allowed above or near the sewer pipe. No permanent buildings, walls, or fixtures such as street lights are allowed above the utility infrastructure such as sewer pipes. City will not replace enhanced paving after repairs. All restoration work needed as a result of sewer maintenance or improvement shall be the responsibility of the HOA.

f. Solid Waste Enclosure. Prior to occupancy for the 53rd dwelling unit, Permitee shall construct a new trash enclosure to accommodate the required self-contained compactors needed to serve this development. The proposed enclosures shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure.

g. Utilities: Permittee shall comply the following:
i. Service to the park irrigation meter shown on sheet L1.0 shall be from the public water supply. A connection to the on-site domestic system is not allows.
ii. Eliminate or relocate the proposed retaining wall within the sanitary sewer easement shown on sheet TM04.
iii. The water meter and backflow preventer at the entrance to Street B shall be relocated to a location immediately behind the sidewalk.
iv. Permittee shall design utilities to meet CDPH clearance requirements as waivers will not be granted for new construction.

39. Building Permit Automation Fee: Prior to any building permit issuance, Permittee shall pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule 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 will be a 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.

40. Community Facilities District (CFD) Annexation: Prior to final map approval, Permittee shall submit an executed consent to annex the subject property into CFD 2005-1 and shall agree to pay the special taxes levied by 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. Permittee shall comply with all rules, regulations, policies, and practices established by State Law and by the City with respect to the CFD including, without limitation, the requirements for notice and disclosure to future owners and residents.

41. Final Map: Prior to issuance of any building permit, the final map shall be recorded. The final map submittal shall meet the following requirements:

    a. Provide a current title report with your final map submittal, not more than 90 days old.
    b. All final maps shall designate all common lots and easements as lettered lots or lettered easements.
    c. The final map shall clearly delineate the project property line and the County right of way line. County right of way and Project boundary should be contiguous.
    d. All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3.
    e. Permittee shall dedicate all necessary easements for public utilities, emergency vehicle access, solid waste collection, pedestrian corridors, sidewalks, trails, paths, and public access on the final map for acceptance by the City in compliance with the City's Engineering Guidelines and the approved Tentative Map.
    f. Prior to recordation of any final map, Permittee shall submit to the City a digital format of the approved final map (AutoCAD format).

42. Homeowners Association: Prior to final map approval, Permittee shall establish a Homeowners Association (HOA). 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. Prior to final map approval, the CC&R document shall be submitted for review and approval by the City Engineer. If the project becomes for-sale in the future, a Homeowners Association shall be created. The Membership of the HOA shall include all owners of the residential units.

43. Improvement Plans: Prior to final map approval, Permittee shall obtain design approval and bond for all necessary public improvements, including but not limited to the following:

    a. Removal and installation of new curb, gutter, and sidewalk, median modification or installation, signage and striping, street lights, street trees, fire hydrants, bus stop, and storm, water, and sewer service installation, unless completed by the County prior to project commencement.
    b. All improvements plans shall be prepared using Vertical Datum of 1988 (NAVD 88). The specific city benchmark used for the project shall be indicated on the cover sheet of each improvement plan set.

    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. Permittee 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.

44. Initial Acceptance: All improvements must be in accordance with the City of Milpitas standard drawing and specification, and 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.

45. Utility Undergrounding: Permittee shall underground all existing wires and remove all related poles within the proposed development and along all street frontages. Prior to issuance of the first Certificate of Occupancy (temporary or final), Permittee shall underground all overhang utilities. All proposed utilities within the subdivision shall also be undergrounded. The improvement plans shall show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state wire voltage.

46. Joint Trench Relocation: The joint trench and all joint trench structures shall be relocated in the field, if necessary, to accommodate the approved street layout to the satisfaction of the City Engineer and the Planning Director. This may include but is not limited to conflicts with the proposed public sidewalk, public trees, and public streetlights.

47. Encroachment Permit: Prior to any work within the public right of way or City easement, Permittee shall obtain an encroachment permit from City of Milpitas Engineering Division. Prior to installing offsite improvements, Permittee shall obtain an encroachment permit from the City of Milpitas and all necessary encroachment permits from other affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District, Santa Clara County road and Airport Department, and Santa Clara Valley Transportation Agency (VTA). Copies of any approvals or permits shall be submitted to the City of Milpitas Engineering Division as a part of the encroachment permit review.

48. Agency Approval: It is the responsibility of Permittee to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District and Caltrans. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division.

49. Construction Schedule: Prior to start of any construction, Permittee 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, and construction information signage and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. Permittee shall coordinate their construction activities with other construction activities in the vicinity of this project. Permittee'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.

50. Demolition: All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped at main line in the street if the water meter is not to be used. The sanitary sewer shall be capped at the clean out near the

property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used.

51. Maximum Slopes: All slopes adjacent to public sidewalks and streets shall be designed to a maximum grade of 4:1 slope. The grading design shall also provide a 1' flat bench at the top and bottom of the slope adjacent to the public sidewalks, streets, or pathways.

52. Tree Removal Permit: In accordance with COMC Chapter 2, Title X (Ord. 201), Permittee may be required to obtain a permit for removal of any existing tree(s). Contact the Public Works Department at (408) 586-2600 to obtain the requirements and forms.

53. Underground Service Alert (USA): Permittee shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.

54. Mailboxes: Permittee shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may be required as a result of the Building, Engineering and Planning Divisions review.

55. Special Flood Hazard Area: The proposed development is located within the Special Flood Hazard Area (SFHA), and, therefore, shall comply with the National Flood Insurance Program (NFIP) Title 44 of the Code of Federal Regulations and the City of Milpitas (City) Flood Plain Management Regulations, City of Milpitas Code (COMC) Title XI Chapter 15. Prior to final map approval or any building permit issuance, Permittee shall obtain a Conditional Letter of Map Revision (CLOMR) or a Conditional Letter of Map Revision based on Fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA), conditionally approving the revised floodplain or the removal of the development from the SFHA. Permittee shall also obtain a Letter of Map Revision (LOMR) or a Letter of Map Revision based on Fill (LOMR-F) and shall provide all elevation certificates prior to final building inspection or issuance of certificate of occupancy for any portion of the development. The proposed grading plan shall comply with the established BFE as determined in the final flood study report, the approved CLOMR or CLOMR-F, or the official FEMA Federal Insurance Rate Map (FIRM).

56. Floodplain Management Ordinance: Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the Base Flood Elevation (BFE). The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion. In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment servicing the structure shall be located above the BFE, or shall be flood proofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. Permittee's civil engineer shall complete and submit several FEMA Elevation Certificates to the City at different stages of the construction. Flood insurance is required for any construction that is financed with government backed loans.

57. Flood Study: Prior to final map approval or any building permit issuance, Permittee shall submit a Flood Study for the project demonstrating, to the satisfaction of the City Engineer, that the proposed development has NO adverse impact to the surrounding flood plain within the SFHA and to flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments (Integral, DR Horton @ McCandless, Montague/Piper TASP sub-district, and the

BART Project) demonstrating the combined effects will not increase the water surface elevation of the Base Flood (BFE) more than one foot at any point. Additionally, for the AO Flood Zone, the flood study is required to establish the BFE, and set the building elevation accordingly. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS.

58. Drainage Study: Prior to final map approval or any building permit issuance, Permittee 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 Permittee shall satisfy the conclusions and recommendations of the approved drainage study.

59. Elevation Certificates: Permittee shall submit an elevation certificate for each lot or structure that is to be removed from the SFHA:

    a. Prior to any grading permit issuance, based on an approved grading plan. This elevation certificate shall contain all proposed grades applicable and shall be required in order to receive community acknowledgement for the CLOMR or CLOMR-F application.
    b. Prior to building foundation pour, based on finished formwork while the building is under construction. If Permittee intends to apply for a LOMR or LOMR-F prior to finished construction, this elevation certificate shall be submitted after the foundation pour and shall be based on existing finished floor and adjacent grades. It shall be required in order to receive community acknowledgement for the LOMR or LOMR-F application.
    c. Prior to occupancy of each building or structure, based on finished construction. This elevation certificate shall contain all required finished grades and shall be based on existing information.
    d. Prior to final occupancy, Permittee shall submit a binder containing all the elevation certificates produced for the each phase of the project.

60. Construction Storm Water Quality: Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the Municipal Regional Permit Order R2-2009-0074 (MRP), and the City's stormwater and urban runoff pollution control standards and guidelines (City's Clean Water Program). Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the COMC, and the City's Clean Water Program.

61. Construction General Permit Compliance: Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

    a. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
    b. a copy of the approved Notice of Intent (NOI) from the State Board, and

c. an erosion control plan and a site monitoring plan meeting the satisfaction of the City Engineer.

Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the COMC, and the City's Clean Water Program.

Prior to final occupancy for any unit, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project. For general information, contact the City of Milpitas Engineering Division at (408) 586-3329.

62. Post-Construction Storm Water Quality: Permittee shall comply with the requirements of the MRP for post-construction storm water treatment (provision C.3 regarding new development and redevelopment requirements for regulated projects) and the City's Clean Water Program. Permittee shall submit a final, certified storm water quality control plan (SWCP), a SWCP sheet, and a post-construction BMP operations and maintenance plan (O&M) in accordance with the City's Clean Water Program and meeting the satisfaction of the City Engineer.

63. Final Storm Water Quality Control Plan (SWCP): Prior to final map approval or any building permit issuance, Permittee shall submit a separate final or amended existing SWCP that incorporates post-construction BMPs for the treatment of storm water run off from all areas of the parcels. The SWCP shall incorporate source control, site design, and storm water treatment consistent with the MRP requirements and the City's Clean Water Program.

    a. The final SWCP 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.
    b. The final SWCP shall be comply with the City's Standard SWCP formatting policy.
    c. The final SWCP shall be certified by a 3rd party reviewer from the MRP approved list of SWCP certifiers.
    d. The final SWCP shall include an Operation and Maintenance (O&M) Plan, acceptable to the City Engineer, describing the operation and maintenance procedures needed to insure that storm water treatment measures continue to work as intended and do not create a nuisance (including vector control). The plan shall include all BMP details, a location map, a maintenance schedule, and inspection and reporting templates. The treatment measures shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the Permittee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
    e. Prior to final occupancy, Permittee shall execute and record an O&M Agreement with the City for the operation, maintenance, and annual inspection of the C.3 treatment facilities. Permittee shall submit documentation of inspection and maintenance to the City's Utility Section annually for reporting to the Regional Board.
    f. Permittee shall include language in the approved CC&R providing the City with an annual inspection report in conformance with the approved O&M plan and agreement. If the City does not receive the report, the City will conduct the field inspection and report for the site and the applicant and its successor shall be responsible to pay all associated costs.

g. All permit applications shall be consistent with the applicant'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. Onsite improvement plans shall show the details and methods of construction for site design features, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants. Site design shall limit directly connected impervious areas. Any changes to the final Storm Water Control Plan shall require Site & Architectural ("S" Zone) Amendment application review.

h. Storm Water Control Plan Sheet: A plan sheet shall be included in the offsite and onsite improvement plans for Storm Water Control. The sheet will show and label all drainage areas, treatment measures, drainage flow lines, high points, and low points. Each treatment measure shall have an independent drainage area which shall be designated. The sheet will provide sections and details for grading, drainage, and treatment measures. The sheet will include a table correlating the drainage areas to the treatment measures and summarizing the treatment provided.

i. Storm Water Control Inspection: Prior to initial acceptance of public improvements or initial occupancy for private improvements, the 3rd Party Certifier of the SWCP shall submit post-construction certification verifying that the post-construction BMPs have been installed correctly and are functioning properly.

64. Utility Protection: All existing 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 shrubs are permitted within City utility easements, where the easement is located within landscape areas.

65. Utility Capacity: The issuance of building permits to implement this land use development will be suspended if 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.

66. Utility Studies: Prior to final map recordation, Permittee shall obtain approval from the City Engineer of the water, sewer, and storm drainage studies for 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 satisfaction of the City Engineer.

67. Utility Modeling: Hydraulic modeling is required to verify the capacity of the adjacent water and sewer system piping and determine points of connection. Permittee shall authorize the City to proceed with hydraulic modeling and the costs of the modeling shall be charged to Applicant's PJ Account.

68. Sanitary Sewer Discharge: Prior to any discharge into the sanitary sewer system, Permittee shall obtain all required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755.

69. Landscaping Ordinance 238: In accordance with the provisions of Chapter 5, Title VIII (Ordinance 238) of the COMC for new or rehabilitated landscaping areas equaling 2500 square feet or greater, the applicant shall:

a. Provide separate water meters for domestic water service & irrigation service.
b. Provide separate domestic meters for each proposed use (Residential, Food Services, Commercial/Office).
c. Comply with all the requirements of Ordinance 238.
d. Submit two sets of landscape and irrigation improvement plans to the Building Division with the building permit plan check package. Prior to any building permit issuance, Approval from the Land Development Section of the Engineering Division is required prior to any 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.

70. Solid Waste Handling Plan (Report): Prior to Final Map approval or any building permit issuance, Permittee shall submit a final Solid Waste Handling Plan that incorporates the following solid waste handling requirements and meeting the satisfaction of the City Engineer:

    a. A description of the Solid Waste Services required for the development per the Development Guidelines for Solid Waste Services (Development Guidelines). The description shall include sizing calculations, type of service (front load bins, roll-off compactors, etc.), size of bins, and level of service (e.g. number of pick ups per week).
    b. A description of the Solid Waste Operation at ultimate build out and for each phase of the development.
    c. A detail of the solid waste enclosure designed per the Development Guidelines for Solid Waste Services to house all service described above and all necessary equipment. The enclosure design shall provide adequate access for the solid waste truck, and allocate enough space for the solid waste truck operation without impacting the proposed private street. The access to the location and size of the enclosure shall be designed to the City Engineer's satisfaction and shown on the plans prior to any building permit issuance.
    d. A solid waste handling plan sheet shall be incorporated in the site improvement plan set containing the enclosure detail, a sizing table, a service table, a description of the solid waste operations, and truck turning templates for collection vehicles.
    e. The enclosure drains shall discharge to the sanitary sewer line. Storm drain inlets shall 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. The Homeowners Assocation shall be responsible for solid waste handling. The Solid Waste Handling Plan shall include detailed, step-by-step instructions describing the management of solid waste from generation to disposal. The plan shall demonstrate how recycling and waste will be separately handled and maintained.
    g. Permittee shall complete the construction of the new trash enclosure to serve the Project prior to issuance of occupancy for the 53rd unit.

71. Solid Waste Management: Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, Permittee 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*, Permittee shall subscribe to and pay for solid waste services rendered. Prior to issuance of any certificate of occupancy, Permittee shall provide evidence to the City that a sufficient level of trash and recycling service has been secured using a Service Agreement with Republic Services (formally BFI). After Permittee has full occupancy, Permittee shall contact the Republic Services commercial

representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, Permittee shall increase the service to the level determined by the evaluation.

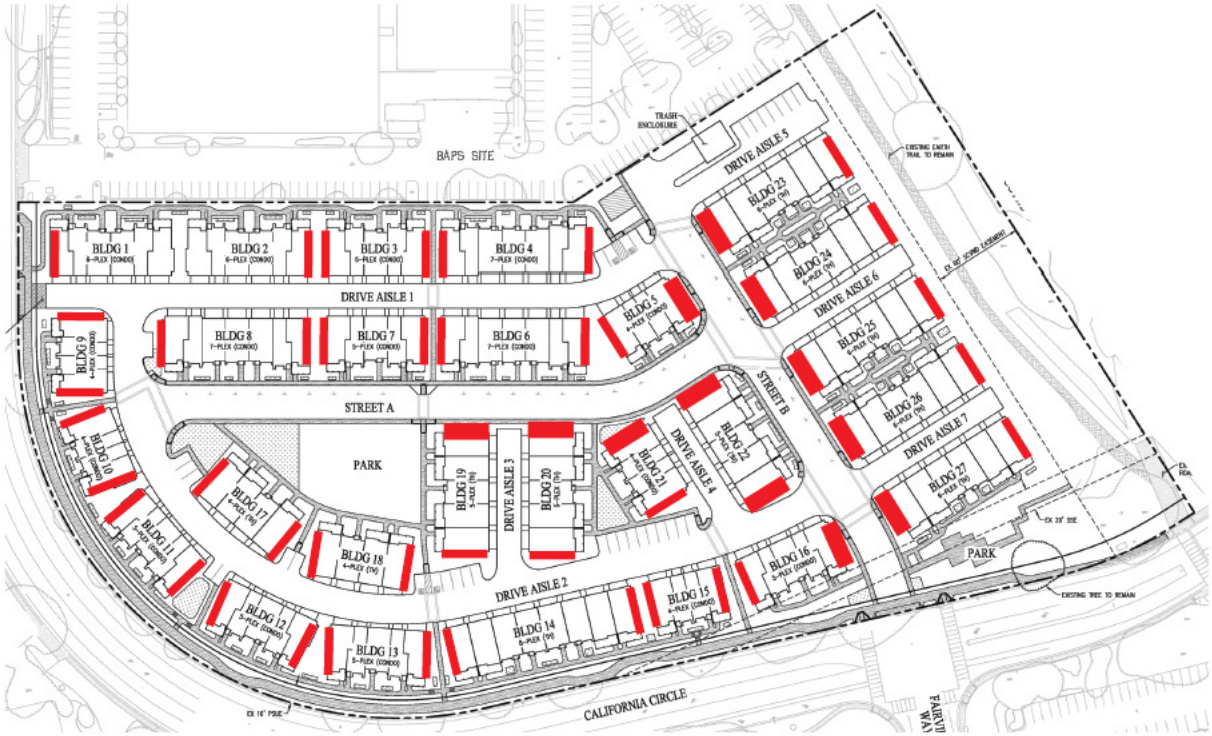
72. Recycling Report, Part I: Prior to any demolition permit issuance, Permittee's contractor shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering and Solid Waste Section (Utility Section) prior to demolition permit issuance. The report shall describe the following resource recovery activities:

    a. What materials will be salvaged?
    b. How materials will be processed during demolition?
    c. Intended locations or businesses for reuse or recycling.
    d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

    Permittee's contractor shall make every effort to salvage materials for reuse and recycling.

73. Recycling Report, Part II: Prior to final approval of the demolition permit or any building permit issuance, Permittee shall submit Part II of the Recycling Report to the Building Division for forwarding to the Utility Section in order to confirm the information described on Part I of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and receipts of "end dumps." Actual reuse, recycling, and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Section prior to inspection by the Building Division.

74. Demolished Material Removal: All demolished materials including, but not limited to, broken concrete, asphalt paving, pipe, vegetation, excess earth, building debris, and other unsuitable materials, etc., shall be removed from the job site for recycling or disposal by Permittee's contractor, to the satisfaction of the City Engineer. Permittee's contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction of the site. Permittee's contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. Permittee's contractor shall perform all recycling and/or disposal by removal from the job site.



A Highest priority side elevations:
Provide facade enhancements equal to entry facades including unit entries, facade articulation, materials changes, color changes, architectural details, landscaping, and where possible, wrap-around porches and balconies. (See example photos)

B Other side elevations:
Provide substantial facade enhancements including facade articulation, architectural details, materials changes, and landscaping. (See example photos)

Building Side Elevations
Conditions of Approval
1210 CALIFORNIA CIRCLE

EXHIBIT 1.a
TO CONDITIONS OF APPROVAL

A

Highest priority side elevations:

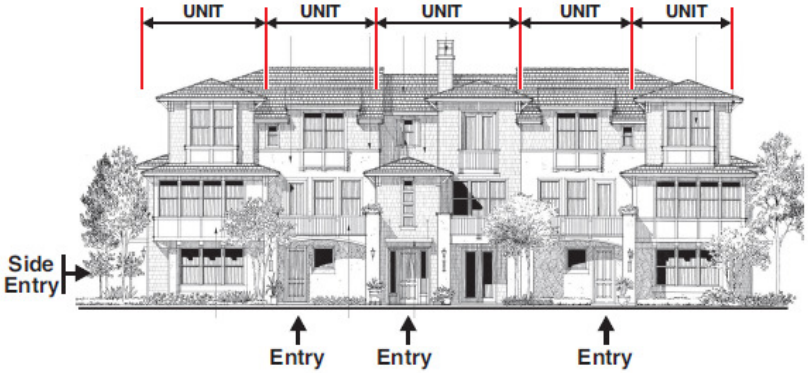
Unit entries
Facade articulation
Materials changes
Color changes
Architectural details
Landscaping
Wrap-around porches & balconies

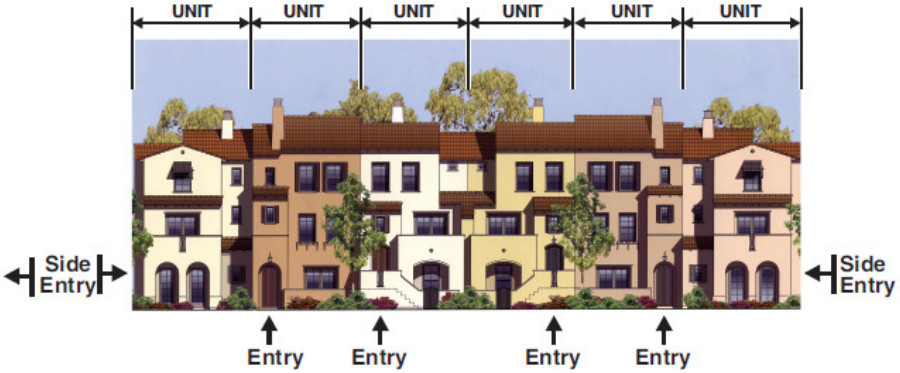
B

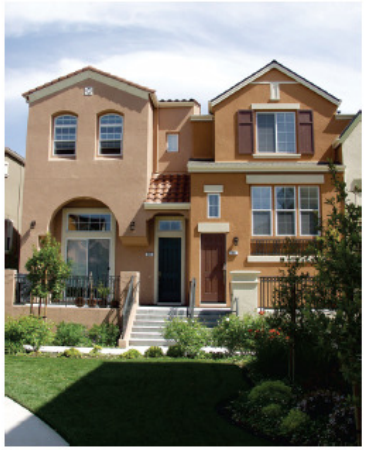
Other side elevations:

Facade articulation
Materials changes
Color changes
Architectural details
Landscaping

EXAMPLES
Building Side Elevations
Conditions of Approval
1210 CALIFORNIA CIRCLE







DESIGN PRINCIPLES

1. Provide individualized units with varied materials and form articulation assembled into a unified building whole.
2. Provide distinctive and varied unit entries.
3. Provide varied roof eave lines.
4. Provide abundant projecting architectural details.
5. Provide variety in facade treatment for adjacent buildings. (Side by side and across auto courts and pedestrian areas)

Architectural Form and Articulation
Conditions of Approval
1210 CALIFORNIA CIRCLE

EXHIBIT 1.b
TO CONDITIONS OF APPROVAL

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

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

Potential Impact:	Mitigation Measures	Resulting Level of Significance
Aesthetics-4: The Project could create a new source of substantial light or glare which would adversely affect day or nighttime views in the area		
	Mitigation Aesthetics-4: Standard Lighting Design Requirements. The Project would undergo architectural and site design review by Planning staff prior to issuance of building permits to ensure that the Project would not adversely affect the visual quality of the area or create a substantial new source of light or glare for residences to the north or east. Typical design requirements include directional and/or shielded lights to minimize the brightness and or glare of the lights on light sensitive uses including the creek and nearby residences. City review would ensure that lighting would not adversely affect the visual quality of the area or create a substantial new source of light or glare for the creek, nearby residences, or for cars traveling on I-880	LTS
Air Quality-2A: The Project could result in air quality and fugitive dust-related impacts associated with grading and new construction, but these impacts would be reduced with implementation of Best Management Practices as required of all projects.		
	Mitigation Measure Air Quality-2A: Measures to Control Dust Emissions. The contractor shall implement the following Best Management Practices that are required of all projects: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible, as well, after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	
Air Quality-4: During construction of the Project, construction-period diesel exhaust could pose both a potential health and nuisance impact to nearby receptors, but this effect would be reduced through implementation of recommended mitigation measures.		
	Mitigation Measure Air Quality-4: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following: 1. All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and 2. Minimize the number of hours that equipment will operate, including the use of idling restrictions.	LTS
Biology-1: The Project would not adversely affect special status plants, but could have a substantial adverse effect, either directly or through habitat modifications, on animal species identified as a candidate, sensitive, or special status species. These effects would be reduced through implementation of mitigation measures recommended for the Project		
	Mitigation Measure Biology-1A: The Project shall implement the following avoidance, minimization, and compensation measures prior to and during construction of the Project: 1. Prior to the start of construction, a qualified biologist should train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices. 2. Pre-construction surveys should be conducted to ensure that western pond turtles (WPT) and nesting birds are absent from the construction area. If an active bird nest is observed, then an appropriate construction-free buffer will be established by a qualified biologist. If WPT are present, a qualified biologist possessing all necessary permits should relocate them.	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	3. Silt fencing and appropriate erosion control shall be in place separating the riparian system in Lower Penitencia Creek from the area impacted by construction prior to construction activities. This silt fencing may act as a barrier to keep WPT from entering the area of construction, and will ensure that the creek is not adversely affected by addition of silt/sediment into the creek during construction.	
	Mitigation Measure Biology-1B: Pre-construction Nesting Bird Surveys. To the maximum extent practicable, any trees planned for removal should be removed during the non-breeding season (September 1 through January 31). 1. If it is not possible to avoid tree removal or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 ft. of the footprint, if such disturbance will occur during the breeding season. This survey should be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). 2. If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. 3. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.	LTS
	Mitigation Measure Biology-1C. Mitigation for potential impacts to the Western Burrowing Owl shall include the following measures: 1. In order to avoid impacts to active burrowing owl nests, a qualified biologist should conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the onset of ground disturbance. These surveys should be conducted in a manner consistent with accepted burrowing owl survey protocols. If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. 2. If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet should be established around all active owl nests. The buffer area should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.	
Biology-5: With implementation of required compliance with City of Milpitas mitigation requirements for protected trees, the Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Compliance with the Tree Ordinance would reduce potential impacts to a less-than-significant level.		
	Mitigation Biology-5: Tree Replacement. Any trees removed for the Project that meet the protected tree criteria of the Municipal Code shall require appropriate tree replacement compensation as determined by the City, including conditions of approval regarding number of replacement trees, species type and size.	LTS
Cultural-2: The Project is not expected to cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 or disturb any human remains, including those interred outside of formal cemeteries, but mitigation measures would reduce impacts related to the unlikely event that subsurface artifacts are uncovered during grading activities.		
	Mitigation Measure Cultural-2A. In the event that prehistoric or historic resources are encountered during excavation and/or grading, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Neighborhood Services will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Neighborhood Services.	LTS
	Mitigation Measure Cultural-2B. In the event that human remains	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	
Geology-2: The Project, similar to other development throughout the San Francisco Bay region, could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to strong ground shaking, but this effect is reduced to levels considered less than significant through implementation of standard mitigation as found in the California Building Code requirements.		
	Mitigation Geology-2: California Building Code Requirements. To mitigate ground shaking effects, all structures should be designed using sound engineering judgment and the latest California Building Code (CBC) requirements as a minimum. Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead and live loads. The code-prescribed lateral forces are generally substantially smaller than the expected peak forces that would be associated with a major earthquake. Therefore, structures should be able to: 1. resist minor earthquakes without damage, 2. resist moderate earthquakes without structural damage but with some nonstructural damage, and 3. resist major earthquakes without collapse but with some structural as well as nonstructural damage.	LTS
Geology-3: The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death related to liquefaction, but this effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-3: Foundation Design. The foundation designs for new Project buildings shall conform to the foundation options and recommendations of the Project's Geotechnical Engineer, as found necessary to mitigate liquefaction hazards and reduce the risk of damage during a major earthquake. Based on preliminary recommendations (ENGEO, 2014), post-tensioned mat foundations are recommended, capable of preventing collapse or the loss of life but not fully preventing risk of structural and non-structural damage as a result of a major earthquake. If the	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	preliminary design recommendations of ENGEO 2014 cannot be achieved by the Project's Structural Engineer, alternative recommendations and foundation options may be considered, providing such alternatives are found consistent with California Building Code requirements. Assuming post-tension mat foundations, the following technical recommendations shall be addressed in final foundation designs: 1. The foundation design should consider 1-inch total load-induced settlement subsequent to completion of surcharge operations (see Mitigation Geo-4, below). A differential value of ½ inch may be considered and should be assumed to act between adjacent column supports or over a 30-foot distance. 2. Post-tensioned mats should be designed for an average allowable soil pressure of 1,200 pounds per square foot for dead-plus-live loads, with maximum localized bearing pressures of 1,500 pounds per square foot for concentrated loads. Allowable bearing pressures can be increased by one-third when considering total loads, including wind or seismic loads. The actual thickness of the mat foundation should be determined by the project Structural Engineer based on structural calculations. 3. The subgrade material under structural mat foundations should be uniform. The pad subgrade should be moisture conditioned to a moisture content of at least 2 percentage points above optimum. The subgrade should be thoroughly soaked and approved by the Geotechnical Engineer prior to placing the reinforcement or tendons. The subgrade should not be allowed to dry prior to concrete placement. 4. A tough, water vapor retarding membrane should be installed below the slab to reduce moisture condensation under floor coverings. The vapor retarder should meet ASTM E 1745 – 97 Class A requirements for water vapor permeance, tensile strength, and puncture resistance. Vapor transmission through the mat foundations can also be reduced by using high strength concrete with a low water-cement ratio.	
Geology-4: The Project is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-4A: Surcharge Program. To reduce post-construction consolidation settlements, a surcharge program to "pre-consolidate" the soft clay deposits prior to site development may be used. A surcharge program would involve the placement of temporary fills, uniformly blanketing the western portion of the site until the desired degree of consolidation in these areas has occurred, as determined by a site-specific settlement-monitoring program.	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	Based on field exploration to date, the estimated minimum surcharge area is shown on Figure 16. 1. Surcharge fill should be uniformly placed over areas where structures or raised grades are planned to adequately drive consolidation of the highly compressible soft clay. The surcharge fill area, grades and extent, should be determined by a geotechnical engineer depending on surcharge period, building loads, and surcharge materials. It is anticipated that a surcharge program with a surcharge height of at least 6 feet (assuming average unit weight of surcharge material is 120 pounds per cubic foot) above final grade elevations. 2. Surcharge fill should remain in place for a period of time determined to be sufficient to allow the desired degree of consolidation to be achieved, so that the risk of settlement is sufficiently reduced for the planned development. Depending on the construction schedule, implementation of a surcharge program may be accelerated by installing wick drains, which allow rapid pore pressure dissipation. Variable surcharge heights and wick drain spacing combinations are possible and may be feasible depending on specifics of loads and project timelines. Foundation designs should consider up to 1 inch of residual static-settlement. 3. If desired, the use of lightweight fill may be considered to reduce surcharge height, or existing fill on the site could be excavated and used as temporary surcharge fill. 4. Following surcharge removal, residual settlement of the soft clay is estimated to be small and structures supported on shallow foundations, such as post-tensioned mat foundations, should be designed to withstand the estimated post-construction differential settlement. 5. Where utilities are installed within the soft clay layer, the weight of the utility backfill will be heavier than the soft clayey deposits removed, resulting in undesirable potential settlement of the utility pipeline. For this case, the use of special "lightweight fill" should be considered to reduce additional loading on the compressible deposits. Recommendations for underground utilities are provided in a subsequent section.	
	Mitigation Measure Geology-4B: Fill Removal and Re-compaction. Treatment of existing or undocumented fills typically includes removal and re-compaction of soil deemed suitable for reuse. Where encountered, existing fill, utility trench backfill, and existing foundation backfill are considered undocumented and should be sub-excavated to expose underlying competent native soils that are approved by the Geotechnical Engineer. If in a fill area, the base of the excavations should be processed, moisture conditioned,	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	as needed, and compacted in accordance with the recommendations for engineered fill. 1. Depending upon cuts associated with removal of foundations or undocumented fills, differential fill thickness conditions could possibly arise. For sub-excavation activities that create a differential fill thickness across a building footprint, mitigation to achieve a similar fill thickness across the pad is beneficial for the performance of a shallow foundation system. It is recommend that a differential fill thickness of up to 5 feet is acceptable across the building footprint. 2. To improve foundation performance for the planned structures and to mitigate the risk of liquefaction-induced surface rupture (sand boils), we recommend near-surface soils comprise uniform fill of at least 3 feet and underlain by a woven geotextile fabric (Mirafi 500X or approved equivalent). Recommendations regarding placement depths of geotextile fabric should be re-addressed once land plans are available and may be modified during grading activities depending on groundwater levels. 3. Once a suitable firm base is exposed, the exposed non-yielding native surface should be scarified to a depth of 10 inches, moisture conditioned, and re-compacted to provide adequate bonding with the initial lift of fill. All fills should be placed in thin lifts, with the lift thickness not to exceed 10 inches or the depth of penetration of the compaction equipment used, whichever is less. 4. In general, graded slopes should be no steeper than 2:1 (horizontal: vertical). All fill slopes should be adequately keyed into firm materials unaffected by shrinkage cracks. If a cut or cut-fill transition occurs within a graded slope, it should be over-excavated and reconstructed as an engineered fill slope.	
Geology-5: The Project is located on a geologic unit or soil that is unstable or that could become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-5A: Lower Penitencia Creek Bank Setback. Implement the Engineering Geologist's recommendation for a minimum setback distance of 40 feet from the top of the existing creek bank for structures, and a minimum setback distance of 30 feet from the top of the existing creek bank for other development related site improvements (i.e. pavements, sidewalks, and utilities). 1. If structures or site improvements are planned within the recommended setbacks, additional remedial grading mitigation	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	measures may be necessary (i.e. below-grade retention systems, shear keyway, etc.) that extend to adequate depths to provide adequate stability considering the adjacent creek. 2. As part of more detailed grading plan review, the remedial grading and any other recommended measures may be outlined, as necessary.	
Hazards-2: The Project could 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, but such an accident would be reduced to less than significant level with implementation of mitigation measures requiring conformance with asbestos and lead-based paint regulations.		
	Mitigation Measure Hazards-2: The Applicant shall retain Cal-OSHA certified ACBM and lead-based paint specialists to assess the structure for the presence of these hazardous materials prior to the start of demolition work. Hazard abatement or removal and disposal of hazardous materials, if any are found, shall comply with applicable regulations.	LTS
Hydrology-2: The Project could result in a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade water quality, but this impact would be reduced through required implementation of construction-period and post construction water quality mitigation measures.		
	Mitigation Measure Hydrology-2A: NPDES General Permit for Construction. As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following: 1. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. 2. Earthmoving or other dust-producing activities shall be suspended during periods of high winds. 3. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. 4. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered. 5. All trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard. 6. All paved access roads, parking areas, staging areas and streets adjacent to the construction site shall be swept daily (with water sweepers). 7. Vegetation in disturbed areas shall be replanted as quickly as	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	possible. 8. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed if requested by the City.	
	Mitigation Measure Hydrology-2B: Compliance with SWPPP. The Project proponent shall prepare and file a draft Stormwater Pollution Prevention Plan (SWPPP) that addresses measures to minimize and control construction runoff. A copy of the draft SWPPP will be submitted to the City of Milpitas for review and approval prior to start of construction. When approved, the certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.	LTS
	Mitigation Measure Hydrology-2C: NPDES C.3 Requirements – Stormwater Control Plan. Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.	LTS
	Mitigation Measure Hydrology-2D: NPDES Best Management Practices. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts. 1. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site. 2. All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season. 3. The property owner/home owner's association will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	upon request and must be made available for inspection on-site at all times. 4. The residential homeowner's association will ensure through the CC&R's that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude homeowners from landscaping or other improvements which might diminish the functionality of the system.	
Hydrology-4: The Project site is located within a 100-year flood hazard zone and would 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. This impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site above the flood level.		
	Mitigation Measure Hydrology-4: Raising the Base Elevation. To reduce the risk of flood hazards to acceptable levels and to comply with current flood hazard regulations, the proposed Project will raise the base elevation of the Project site by approximately three feet, such that final on-site grades will be at or above 15 feet NAVD, and therefore the Project site will be at an elevation above the floodplain. Furthermore, the Project's finish floor elevations will be at minimum elevation of 16 feet NAVD or higher to meet the City of Milpitas Flood Ordinance requirements that finish floor elevations be at least one foot above the FEMA base flood elevation.	LTS
Hydrology-5: The Project site is not subject to inundation by seiche, tsunami or mudflow, but could 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. However, this impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site.		
	Mitigation Measure Hydrology-5A: Raising the Base Elevation (see detailed discussion of MM Hydro-4, above)	LTS
	Mitigation Measure Hydrology-5B: Removal of Non-Permitted Improvements on the Levee. Certain existing tees, irrigation, lighting and stairs observed on the existing levee appear to have been installed without a District permit, and shall be removed so as not to adversely affect the levee structure.	LTS
Hydrology 6: The Project would place structures and fill within a 100-year flood hazard area that could have the potential to affect the flood elevations in the area or upstream, or redirect flood flows. This impact would be reduced through implementation of mitigation pursuant to Milpitas Floodplain Management Regulations that require no increase in the base flood elevation during the occurrence of the base flood discharge.		
	Mitigation Measure Hydrology-6: Flood Plain Analysis. Prior to approval of a grading plan for the Project, a flood plain analysis shall be prepared to delineate the post-development flood plain depth and lateral extent.	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	1. The flood plain analysis shall be certified by a registered professional engineer or architect, and submitted to the City for review and approval, and the Santa Clara Valley Water District for review. 2. The analysis shall demonstrate that the Project will not increase the 100 year water surface elevation on surrounding properties, nor shall it increase the lateral extent of flooding. 3. The analysis shall also demonstrate that cumulative impacts to the base flood elevation, taking into consideration all nearby development, will be less than one foot. 4. To the extent necessary to achieve the performance standards identified above, site improvements (grades, roadways, buildings, etc.,) shall be designed to allow for the passage and storage of flood water within the site.	
Noise-1: The Project could expose persons to, or generate noise levels in excess of standards established in the Milpitas General Plan or noise ordinance, but mitigation measures recommended for the Project would reduce this impact to a less than significant level.		
	Mitigation Measure Noise-1A. **Require an Acoustical Engineer to Design and Specify Appropriate Noise Attenuation Measures.** Prior to approval of building permits, a qualified acoustical consultant shall review final designs for floor plans and exterior elevations for construction to calculate expected interior noise levels as required by City policies and State noise regulations. The design must be able to assure that interior noise levels will be 45 dBA or lower. It is expected that window and door assemblies will be required to a meet sound transmission class (STC) rating of class 32 or greater for all rooms facing California Circle, and STC 28 for windows and exterior doors in all other locations to assure indoor noise levels at DNL 45 dB or lower. 1. The acoustical consultant shall identify and include on the plans and specifications for the Project the specific noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) that are to be applied throughout the Project. 2. The designs and specifications of the acoustical consultant shall be submitted to the City as part of the construction documents submitted for building permits and shall be reviewed and approved by the City prior to issuance of building permits. 3. All noise insulation treatments identified during review of the final plans will be incorporated into the proposed project.	LTS
	Mitigation Measure Noise-1B. Require Mechanical Ventilation. Since windows of residences will need to be closed to meet the	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	interior DNL 45 dB criterion, all houses shall be equipped with mechanical ventilation systems. Such systems shall be designed by the project mechanical engineer and shall utilize equipment that does not compromise sound insulation of the exterior assemblies.	
Noise-4: The Project's construction activity would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, but this impact would be reduced to less than significant levels with implementation of required construction noise mitigation measures.		
	Mitigation Measure Noise-4. The Project will be required to implement the following noise control measures and comply with Chapter 213 (Noise Abatement) of the City's Municipal Code which regulates construction noise within the City: 1. Construction and demolition activities shall be limited to the period between 7:00 AM and 6:00 PM Monday through Friday and 9:00 AM to 6:00 PM on Saturdays. No construction or demolition activities are permitted on Sundays or holidays. 2. Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment. 3. The applicant 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 shall respond to and address all complaints about noise.	LTS
Services-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 public services.		
	Mitigation Measure Services-1A: School Impact Fees. The Project shall be responsible for payment of required school impact fees.	LTS
	Mitigation Measure Services-1B: To conform to the City's park and recreation ordinance (Subdivision Ordinance, section 9), the Project shall dedicate additional public parkland, or pay applicable in-lieu fees, as outlined in the Municipal Code.	LTS
Transportation-2: The Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways.		
	Mitigation Measure Transportation-2: Calaveras Boulevard Widening Project TIF. The Project shall pay its fair share toward the Calaveras Boulevard Widening project through payment of the City-established Calaveras Boulevard Widening project Traffic	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	Impact Fee (TIF).	
Transportation-4: The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses.		
	Recommendation Transportation-4A: Eastbound Left Turn Pocket. Install an eastbound left-turn pocket into the proposed site driveway at the intersection of California Circle and Fairview Way. This can be accomplished within the existing right-of-way, and would entail restriping and implementing minor modifications to the existing two-way center turn lane on the west leg of the intersection. The existing cross-section of California Circle immediately west of the intersection at Fairview Way and the Project driveway is approximately 65 feet wide with a westbound bike lane, two westbound through lanes, a two-way center turn lane, one eastbound through lane, one eastbound right-turn lane, and an eastbound bike lane. The width of California Circle is therefore sufficient to permit restriping of the existing two-way center turn lane to accommodate a left-turn pocket on eastbound California Circle into the project driveway. There is a distance of a little more than 200 feet on California Circle between Fairview Way and a driveway into a property on the southwest quadrant of the intersection. From the existing two-way center turn lane, vehicles are able to turn into that driveway. The distance of 200 feet should be sufficient to accommodate back-to-back eastbound and westbound left-turn pockets of 100 feet each (including taper) for the left-turn movements into the Project driveway and into the adjacent property's driveway, respectively. **Recommendation Transportation-4B: Centered Driveway Alignment.** The Project site driveway onto California Circle shall be centered at the intersection of California Circle and Fairview Way, with a clear definition of proper vehicle path to minimize confusion for the public. 1. The Project should provide a crosswalk and ADA-compliant ramps across its driveway, so that there are crosswalks across all four approaches of the California Circle and Fairview Way intersection. **Recommendation Transportation-4C: Provide Bike Racks.** The project should provide bike racks in accordance with VTA requirements. Bike parking spaces are not shown on the current plans. These should be placed in accessible, secure, and well-lit locations. **Recommendation Transportation-4D:** It is recommended that the City of Milpitas coordinate with VTA to explore the possibility of installing bus stops closer to the project site.	LTS

EXHIBIT 1.c
TO CONDITIONS OF APPROVAL
Gateway Signage Program Scope

City of Milpitas Community Gateway Signage Program
Scope of Work

Phase I. Planning

A. Analysis of project requirements:
1. Kick off meeting with City Staff.
2. Stakeholders meeting with Chamber, etc.
3. Data collection:
    a. Existing signage types and locations.
    b. Gateway conditions.
    c. Existing city branding materials.
4. Conduct City image audit.
5. Prepare branding recommendations.

B. Programming:
1. Determine required sign categories and types.
2. Layout preliminary location map.

Phase II. Schematic Design

A. Prepare branding refinements based upon image audit recommendations.

B. Develop concepts for integrated system of sign types and graphic elements:
1. Typographic concept, graphic elements.
2. Sign size, colors, materials, siting.

C. Meet with City Staff to review concepts.

D. Incorporate revisions prior to further review.

E. Schematic Design Presentations:
1. Community Advisory Commission
2. Economic Development Commission
3. Planning Commission
4. Parks, Recreation & Cultural Resources Commission

Phase III. Design Refinement

A. Final Design:
1. Specify final colors, materials and sizes for each sign type.
2. Finalize letterforms and graphic elements

B. Prepare revised location map with sign type key.

C. Meet with City Staff prior to further review.

D. Presentation of refined concepts:
1. Community Advisory Commission
2. Economic Development Commission
3. Planning Commission
4. Parks, Recreation & Cultural Resources Commission

E. Final refinements and response to comments.

F. City Council Presentation.

G. Preparation of final designs and implementation guidelines as per Council direction.

Phase IV. Fabrication and Construction

Scope of work to be determined after approval of final designs.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DENYING GENERAL PLAN AMENDMENT NO. GP14-003, ZONING AMENDMENT NO. ZA14-0010, PLANNED UNIT DEVELOPMENT PERMIT NO. PD14-0001, SITE DEVELOPMENT PERMIT NO. SD14-0013, AND MAJOR VESTING TENTATIVE MAP NO. TM14-0001, FOR 1210 CALIFORNIA CIRCLE (APN: 022-37-017)

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial ("Applicant"), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle ("Project"). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed Project; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the Project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014, and October 21, 2014; and

WHEREAS, on October 22, 2014, 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 the City Council deny the general plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3); and

WHEREAS, on November 18, 2014, the City Council held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and the City Council denied the general plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3).

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

Section 1: The City Council has duly considered the full record before it, which may include but is not limited to such things as the City 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.

Section 2: Milpitas General Plan Conformance Findings – Milpitas Municipal Code Section XI-10-57.02 - *The City Council makes the following findings based on the evidence in the public record deny the General Plan Amendment:*

1. *The proposed amendment is internally inconsistent with those portions of the General Plan which are not being amended.*

The project does not comply with the following General Plan land use guiding and implementing principles:

- 2.a-G-2: Maintain a relatively compact form. Emphasize mixed use development to the extent feasible to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development
- 2.a-G-8: The City should consider a long term approach to managing its income/job generating lands and the impacts of development on public services.
- 2.a-I-2: Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% build-out in the Midtown and Transit Area Specific Plans.
- 2.a-I-4: Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed towards the advantages of the City's location to both industrial and commercial use.

Denial of the proposed General Plan amendment is consistent with the above stated Guiding Principles in that the proposed Project will convert industrial land to residential and significantly impact police and fire services, schools and other general governmental services. The General Plan policies are to preserve industrial and revenue generating opportunities and the City's economic development position. According to the City's Transit Area Specific Plan and Midtown Specific Plan, there will likely be over 7,000 residential units constructed in the City's Transit Area and Midtown Area and conversion of industrial land in areas of the City to residential will create an imbalance between revenue generating/employment opportunities and residential units.

Section 3: Major Tentative Map Findings – Milpitas Municipal Code Section XI-1-20.01 - *The City Council makes the following finding based on the evidence in the public record to deny the Major Tentative Map:*

1. *The tentative subdivision map is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 4: Planned Unit Development Permit Findings – Milpitas Municipal Code Section XI-10-54.07 - *The City Council makes the following finding based on the evidence in the public record to deny the Planned Unit Development Permit:*

1. *The proposed Planned Unit Development is inconsistent with the Milpitas General Plan*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 5: Site Development Permit Findings – Milpitas Municipal Code Section XI-10-57.01(F) - *The City Council makes the following finding based on the evidence in the public record to deny Site Development Permit:*

1. *The project is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 6: The City Council hereby denies General Plan Amendment No. GP14-003, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. 14-0013, and Major Tentative Map No. TM14-0001 as the proposed application is not consistent with the Milpitas General Plan.

PASSED AND ADOPTED this _____ day of _____, 2014, 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

RESOLUTION NO. 14-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT NO. GP14-003, ZONING AMENDMENT NO. ZA14-0010, PLANNED UNIT DEVELOPMENT PERMIT NO. PD14-0001, SITE DEVELOPMENT PERMIT NO. SD14-0013, AND MAJOR VESTING TENTATIVE MAP NO. TM14-0001, FOR 1210 CALIFORNIA CIRCLE (APN: 022-37-017)

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial ("Applicant"), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle ("Project"). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed Project; and

WHEREAS, the Planning Division completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the Project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014, and October 21, 2014; and

WHEREAS, on October 22, 2014, 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.

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

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City 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.

Section 2: Milpitas General Plan Conformance Findings – Milpitas Municipal Code Section XI-10-57.02 - *The City Council makes the following findings based on the evidence in the public record deny the General Plan Amendment:*

1. *The proposed amendment is internally inconsistent with those portions of the General Plan which are not being amended.*

The project does not comply with the following General Plan land use guiding and implementing principles:

- 2.a-G-2: Maintain a relatively compact form. Emphasize mixed use development to the extent feasible to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development
- 2.a-G-8: The City should consider a long term approach to managing its income/job generating lands and the impacts of development on public services.

- 2.a-I-2: Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% build-out in the Midtown and Transit Area Specific Plans.
- 2.a-I-4: Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed towards the advantages of the City's location to both industrial and commercial use.

Denial of the proposed General Plan amendment is consistent with the above stated Guiding Principles in that the proposed Project will convert industrial land to residential and significantly impact police and fire services, schools and other general governmental services. The General Plan policies are to preserve industrial and revenue generating opportunities and the City's economic development position. According to the City's Transit Area Specific Plan and Midtown Specific Plan, there will likely be over 7,000 residential units constructed in the City's Transit Area and Midtown Area and conversion of industrial land in areas of the City to residential will create an imbalance between revenue generating/employment opportunities and residential units.

Section 3: Major Tentative Map Findings – Milpitas Municipal Code Section XI-1-20.01 - *The City Council makes the following finding based on the evidence in the public record to deny the Major Tentative Map:*

1. *The tentative subdivision map is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 4: Planned Unit Development Permit Findings – Milpitas Municipal Code Section XI-10-54.07 - *The City Council makes the following finding based on the evidence in the public record to deny the Planned Unit Development Permit:*

1. *The proposed Planned Unit Development is inconsistent with the Milpitas General Plan*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 5: Site Development Permit Findings – Milpitas Municipal Code Section XI-10-57.01(F) - *The City Council makes the following finding based on the evidence in the public record to deny Site Development Permit:*

1. *The project is inconsistent with the Milpitas General Plan.*

As explained above, the proposed Project is inconsistent with the General Plan as the principles and policies of the General Plan will not be met with the proposed development

Section 6: The Planning Commission of the City of Milpitas hereby adopts Resolution No. 14-035 recommending the City Council deny General Plan Amendment No. GP14-003, Planned Unit Development Permit No. PD14-0001, Site Development Permit No. 14-0013, and Major Tentative Map No. TM14-0001 as the proposed application is not consistent with the Milpitas General Plan.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on October 22, 2014.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on October 22, 2014 and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				

AGENDA ITEM: IX-3
2B

MILPITAS PLANNING COMMISSION
STAFF REPORT

October 22, 2014

APPLICATION: **iStar Residential Project: GP14-0003, ZA14-0010, SD14-0013, PUD14-0001, EA14-0006 and TM14-0001**
A request for a General Plan and Zoning Amendment, Site Development Permit, Planned Unit Development and Major Vesting Tentative Map for the development of 144 townhouse units with associated site improvements**.**

RECOMMENDATION: **Staff recommends that the Planning Commission:** Conduct the public hearing and consider the requested entitlements and adopt Resolution No. 14-035 to recommend the City Council adopt the Initial Study and Mitigated Negative Declaration (Environmental Assessment No. EA14-0006) and approve General Plan Amendment No. GP14-0003, Zoning Amendment No. ZA14-0010, Site Development Permit No. SD14-0013, Planned Unit Development Permit No. PD14-0001 and Major Vesting Tentative Map No. TM14-0001 based on the findings and subject to Conditions of Approval as set forth in this report.

LOCATION:

Address/APN:	1210 California Circle (APN 022-37-017)
Area of City:	Dixon Landing Business Park

PEOPLE:

Project Applicant:	Erich Stiger, iStar Financial
Consultant(s):	KTGY Group Architecture + Planning
Property/Business Owner:	IStar Financial
Project Planner:	Lisa Costa Sanders, Contract Planner

LAND USE:

General Plan Designation:	Industrial Park (INP)
Zoning District:	MP (Industrial Park) – PUP 31
Overlay District:	None

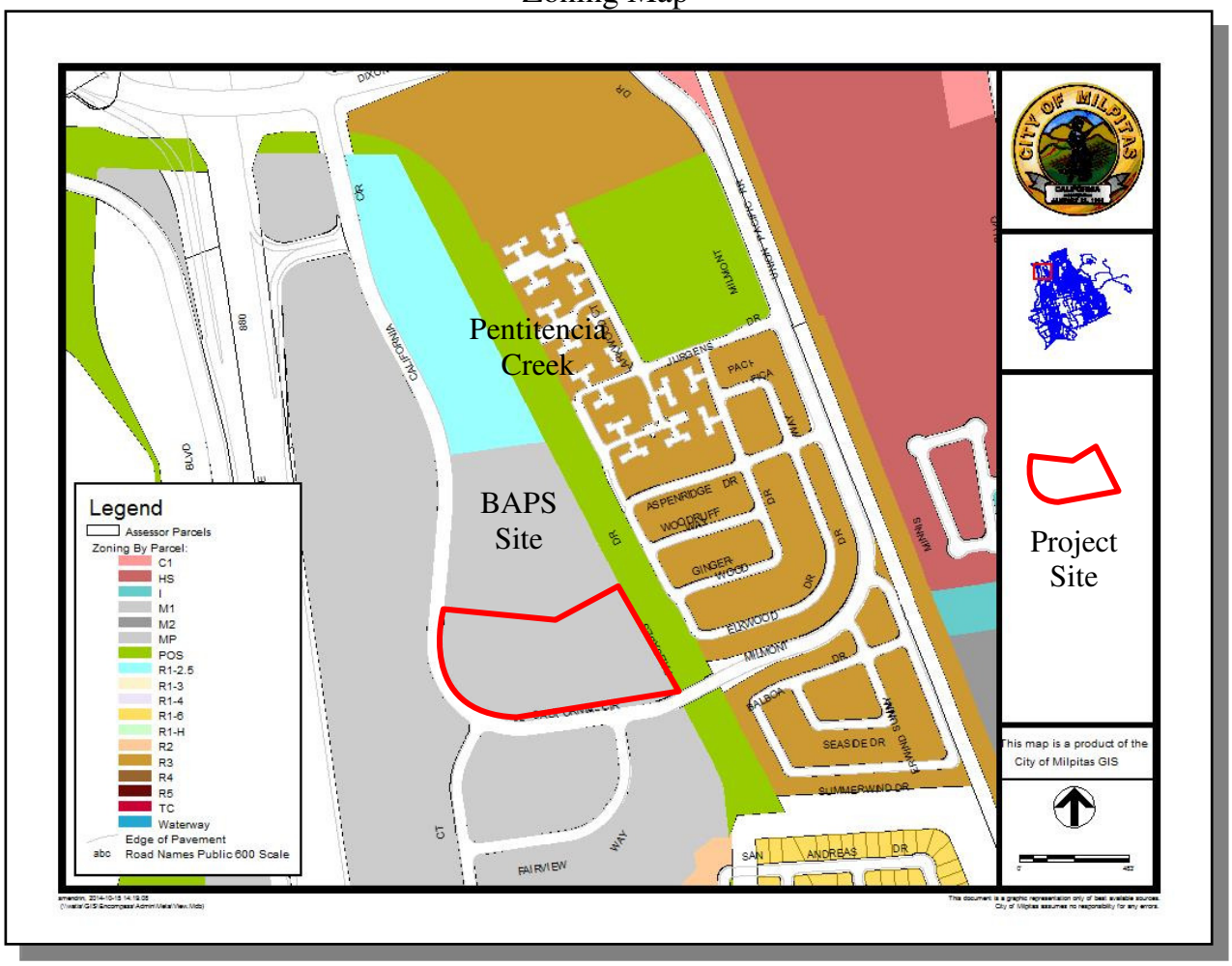
ENVIRONMENTAL: An Initial Study and Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA) (Environmental Assessment No. EA14-0006). The MND was available for public review from October 1, 2014 through October 21, 2014.

EXECUTIVE SUMMARY

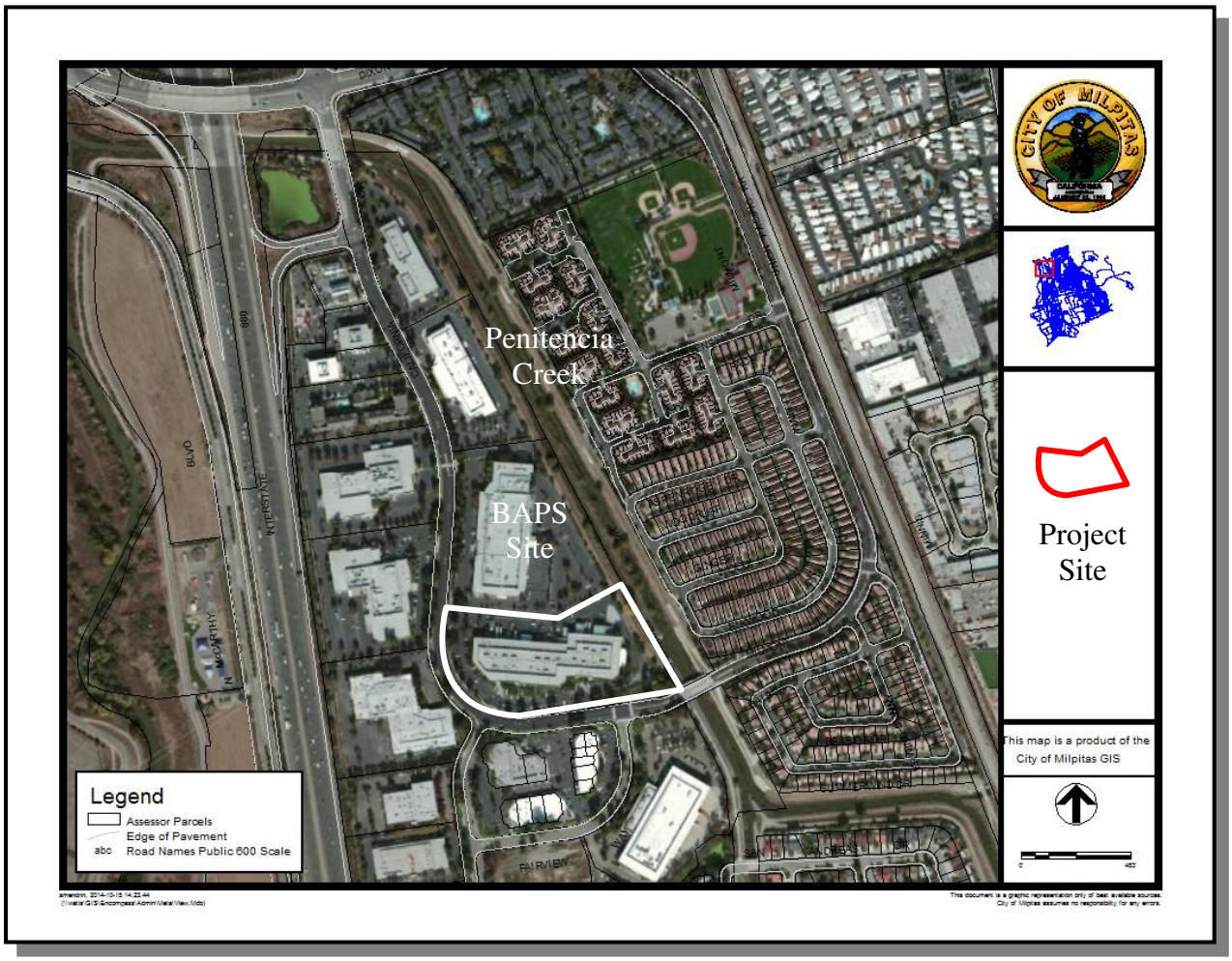
The proposed project is a request to convert 9.45 acres of industrial property to allow a new multi-family residential development with a total of 144 townhouse-style units. The project requires a General Plan Amendment, Zoning Amendment, Planned Unit Development Permit, Site Development Permit and a Major Tentative Map to create the new housing parcels and common areas. Site improvements include complete street improvements along California Circle, two small on-site private open space park areas and a pedestrian walkway along the northern and eastern project boundary.

Map 1
Project Location

Zoning Map



Map 2
Project Site



BACKGROUND

History

On August 18, 2014, the property owner filed a request for a General Plan and Zoning Amendment to convert the industrial site for a new multi-family residential development. The property is located immediately south of a large religious facility known as BAPS Shri Swaminarayan Mandir. The recently approved Trumark Waterstone single-family residential project is located a few hundred feet to the north of the site and also along the east side of California Circle. There is an existing 120,500 square foot, one story building located on site that was previously leased to several light manufacturing, office and technology-related firms over the years. The most recent building use was the solar firm Solyndra. The building is currently vacant. There are also two pending applications for new hotels in the area on Cadillac Circle.

The Application

The following is a summary of the applicant's request:

- *General Plan Amendment:* The request includes a land use change from Industrial to Residential – Multifamily High. The requested General Plan designation allows density of 12-20 units per gross acre.
- *Zoning Amendment:* The request is to rezone the property from Industrial Park (MP) with Site and Architectural Overlay and PUD-#31 to Multi-Family High Density Residential (R-3) with a Planned Unit Development (PUD) permit.
- *Planned Unit Development* – The request for a Planned Unit Development permit to exceed the allowable 35 foot height limit for the residential buildings (42 feet).
- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- *Major Tentative Map:* To establish the townhome lots, common lots and assign responsibility for maintaining common lots and infrastructure.
- *CEQA* – An Initial Study and Mitigated Negative Declaration has been prepared.

PROJECT DESCRIPTION

Overview

The project includes the demolition of the existing building and site improvements and construction of 144 townhouse style housing units within 27 three story buildings. The project would be comprised of 64 two-bedroom units and 84 three-bedroom units. Each unit includes an attached two-car garage for parking. Surface guest parking is provided throughout the site. Two small private open space park areas are proposed on-site; one at the center of the property with a play area and seating area with shade structures, and the other at the southeast corner of the site designed as a passive open space area located within a utility easement area. In addition, a pedestrian walkway along the northern and eastern project boundary is proposed for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north (See Attachment C, Project Plans).

Vehicular access to the site will be limited to one entrance at California Circle and Fairview Way. A second emergency vehicle access point would be provided at the northwesterly edge of the site onto California Way (drive aisle 1). The primary site entrance (Street B) has been designed for a future connection through to the BAPS site to the north to meet a future connection at the Trumark Waterstone residential project. This Street B connection would provide future residents and emergency responders of this entire area with adequate vehicle and pedestrian access and circulation.

Location and Context

The property is located at 1210 California Circle, just south of Dixon Landing Road near the 1-880 exit, in the Dixon Landing Business Park. This area includes a mix of commercial, industrial and warehouse land uses with more distant residential and recreational open space uses located east of Pentitencia Creek. Building heights within the business park vary by land use from one to three stories. Interstate 880 is located along the westerly boundary of the California

Circle Dixon Landing Business Park properties. Penitencia Creek is located along the easterly property boundary. The existing Penitencia Creek levee is currently planned and scheduled for replacement by the Santa Clara Valley Water District (SCVWD) as a raised engineered flood wall and/or engineered levee 7 feet above the proposed iStar site finished grade, with no public access. The Planning Division is currently processing applications for two separate hotels located in the immediate vicinity on Cadillac Court. Site one located at 1100 Cadillac Court is a proposed hotel for Holiday Inn Suites for a 129-room four-story hotel. The second site is located at 1201 Cadillac Court is a proposed hotel for Springhill Suites for a 124-room five-story hotel. Newby Island Landfill is located approximately 1.5 miles to the west, the Zanker Road Landfill and Compost Facility is located approximately 2.25 miles to the west and the San Jose/Santa Clara Water Pollution Control Plant is located approximately 0.3 miles to the west of the site. Staff acknowledges that there is an existing odor condition emanating from the above mentioned facilities and has included a Condition of Approval requiring the proposed project CC&Rs to include a disclosure of close proximity and odors from these existing two facilities.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The City's General Plan is the long range planning document, providing the vision for the future development of the City. Amendments to the General Plan should only be considered after careful deliberation, review of compatibility with surrounding land uses and determination of public benefit. Amendments to the General Plan and Zoning Code require making the findings that the proposed amendment is internally consistent with those portions of the General Plan which are not being amended and that the proposed amendment will not adversely affect the public health, safety and welfare.

The City Council has supported this area as a transition area from industrial land use to residential land use, with the recent approval of the Trumark Waterstone residential development to the north of the project site. It is anticipated that the adjacent BAPS site will also convert to residential land use in the future, providing a contiguous residential community.

The current General Plan designation is Industrial. This land use classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

The applicant is requesting a General Plan designation of Multi-family High Density, based upon the City Council's support of transitioning Industrial to Residential land use along the eastern side of California Circle, and the recent approval of the Trumark Waterstone single-family residential project to the north. The applicant is requesting Multi-Family High Density with a range of 12-20 units per gross acre. This General Plan designation typically accommodates a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses, and garden apartments.

The following General Plan land use guiding and implementing principles should be considered with this land use designation request:

- 2.a-G.2 – Maintain a relatively compact form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies form compact development patterns and to maximize job development and commercial opportunities near residential development.
- 2.a-G-3 – Provide for a variety of housing types and densities that meet the needs of individuals and families.
- 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.
- 2.a-G-7 – When considering development proposals, seek "community benefit", such as upgrading infrastructure facilities, constructing new infrastructure facilities and funding contributions to programs.
- 2.a-G-8 – The City should consider a long term approach to managing its income/job generating lands and the impacts of development on public services.
- 2.a-G-9 – The city should make land use decisions that improve the City's fiscal condition.
- 2.a-G-10 – Consider long-term planning and strong land use policy in managing the City's fiscal position.
- 2.a-G-11 – Promote land use policy and implementation actions that improve the City's fiscal sustainability. Maintain and enhance the City's projected total net revenue through amendments made to the General Plan. Discourage proposed re-zonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase the City's service costs to the City without offsetting increases in revenue.
- 2a-I-1 -- Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% buildout in the Midtown and Transit Area Specific Plans.

The proposed project is consistent with several General Plan guiding policies. The proposed project includes 144 new townhouse style housing units that will provide new homeownership opportunities in the community. The proposed project also provides a small on-site private park open space area that would be utilized by the project residents. The proposed landscape plan includes perimeter planting and landscape improvements and pedestrian walkway along the northern and eastern project boundary. These proposed pedestrian walkways will include a public access easement.

The proposed project does not contribute to the job development and commercial opportunities, with the exception of short-term construction jobs during project development. The applicant submitted a fiscal impact analysis of three scenarios; the conceptual residential development; the existing conditions of the vacant industrial building; and a hypothetical occupied industrial use of the project site. The analysis did not include uses that might improve the City's fiscal condition. The analysis concludes that the proposed residential development yields higher net revenue to the City's General Fund when compared to the two other low value scenarios. It is the opinion of staff that residential land use alone rarely improves the fiscal condition of the City.

Climate Action Plan Conformance

The project will be constructed with energy and water conservation measures as required by the State of California CalGreen building code requirements. Best management construction practices will also be utilized to further reduce construction emissions. Conditions of approval are included to assure that the project is consistent with the City's Climate Action Plan.

Development Standards

The applicant is requesting a Planned Unit Development Permit to provide flexibility with the height limit for the new townhome buildings. A Planned Unit Development is a type of discretionary permit that allows for diversification in the relationships of buildings, structures and open space, while insuring substantial compliance to the District Regulations and other provisions of the Zoning Code. The table below demonstrates how the project is consistent with the development standards of the Multiple Family Residential zoning district (R-3).

Table 1
Summary of Development Standards

	Standard	Proposed	Compliance
Setbacks (Minimum)			
Front	20 feet	24 feet along California Circle property frontage	Yes
Street Side	10 feet	15 provided along northern property line	Yes
Interior	12 feet	24 feet is provided along California Circle	Yes
Rear	40feet	40 feet is provided to top of creek bank (95 is provide to property line)	Yes
Building Height (maximum	35 feet	38 feet proposed (request 42 feet height limit)	Yes - with approval of PUD
Density	12-20 units per acre	15.2 units per acre	Yes

As indicated above, the project is consistent with the development standards required for the R-3 Zoning District, except for building height. The project complies with the setback requirements, parking requirements and density. With the issuance of the Planned Unit Development Permit, the project will comply with the building height (see Public Benefit Discussion below).

Site & Architectural Design

Per the Milpitas Municipal Code, the Site Development Permit application requires the Planning Commission consider and encourage the following site and structural development criteria:

A. Respects the physical and environmental characteristics of the site;

B. Ensures safe and convenient access and circulation for pedestrians and vehicles;

C. Exemplifies the best professional design practices;

D. Encourages individual identity for specific uses and structures;

E. Encourages a district community or neighborhood identity; and

F. Minimizes visual impacts.

The proposed multi-family residential development is designed in a series of three-story buildings ranging in size from 3-unit to 8-unit building types with the majority being 6-unit buildings. The front elevation of the buildings includes stucco finish and stone veneer along the first level with front entry stoops and porches. There are some second story balconies with metal railing and standing metal seam accent roof and occasional use of metal projecting awning over windows elements. The buildings include a mix of cement plaster finish and cementitious (simulated wood) siding. The rear elevations include garage doors with windows, a mix of stone veneer, cementitious horizontal siding and cement plaster finish on the first floor. Decorative trellis features are included above the garage doors. A flat concrete tile roof shingles is proposed for all buildings. The buildings are proposed at a height of approximately 38'-2" from finished grade.

In order to assist the applicant in meeting the requirements of a Site Development Permit, Staff coordinated with the City's Consulting Architect, Larry Cannon to prepare specific guidance in upgrading the proposed multi-family buildings through revised architectural details in an attempt to achieve the high quality development criteria listed above. Several revisions to the building treatment, architectural detailing, and landscape are identified. The Conditions of Approval include requirements to modify the side elevations for additional façade articulation, materials change, color changes, architectural details, landscaping, and wrap-around porch treatment. The condition also requires further refinement of the project following the design principles:

- Provide individualized units with varied materials and form articulation assembled into a unified building whole;
- Provide distinctive and varied unit entries;
- Provide varied roof eave lines;
- Provide abundant projecting architectural details; and
- Provide variety in façade treatment for adjacent buildings.

Conditions of Approval will require the final design of the multi-family buildings and portions of the landscaping to be revised at the time of building permit application, subject to staff approval. Refer to Conditions of Approval and Exhibit B of the proposed resolution for further details.

Landscaping & Open Space Design

The landscape plan includes large shade trees and decorative planting along the perimeter of the site frontage along California Circle. The landscape plan also includes planting and walkways with open space between each building. A pedestrian walkway along the northern and eastern project boundary is proposed for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north.

The applicant proposes a landscaped passive private open space park area at the southeast corner of the property along California Circle. The corner private park open space area will include: open turf area, hardscape areas with seating and fitness station. The planting includes large shade trees, shrubs and accent plant materials. This landscape treatment enhances the corner of the property as viewed from the public right-of-way, provides an enhanced entryway into the new development and enhances the pedestrian walkway from California Circle into the project site.

A second private park open space is provided at the center of the development for the use of the project residents. This park is approximately 1/3 of an acre in area. Private park amenities include; bbqs, a fire pit with seating area, open turf area, dining tables with a shade structure and a play structure.

Planting and accent trees will also be provided at the front of each townhouse unit. The proposed plan provides connective green spaces and planting throughout the project site.

Parking

The development includes two garage parking spaces for each unit. The City's Zoning Ordinance requires two covered parking spaces for each 2-4 bedroom multi-family unit. The code also requires 20% of the required parking for open uncovered guest parking, which results in 58 guest parking spaces. The development proposes a total of 62 on-site guest parking spaces. With conditions of approval that adjust pedestrian crosswalks, pedestrian connectivity, and site landscaping, up to four parking spaces will be eliminated for a total of 58 on-site guest parking spaces. Thus, as conditioned, the project remains in compliance with the City's minimum parking requirements.

Access & Circulation

The site is accessed from one driveway at California Circle at Fairview Way. The site layout includes two private streets (Street "A" and Street "B"), with sidewalks and on-street parking. The other on-site private drive aisles are designed to access garages and do not include sidewalks.

A second emergency vehicle access point is proposed at the northwesterly edge of the site onto California Way (Drive Aisle 1). The primary site entrance (Street B) has been designed for a future connection to the BAPS site to the north to meet a future connection at the Trumark Waterstone residential project. This Street B connection would provide future residents and emergency responders of this entire area with adequate vehicle and pedestrian access and circulation.

Decorative paving is proposed at the internal site crosswalks. A pedestrian walkway is proposed along the northern and eastern project boundary for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north. Conditions of Approval improve pedestrian crosswalk layout and locations, and assure reciprocal access for future sidewalk and Street B connections to the BAPS property.

Grading, Drainage and Stormwater

The subject site is located within a 100-year flood hazard zone. The developer will be required to raise the base elevation of the site by approximately three feet. The finished floor elevations of the homes will be one foot above the new finished grade in compliance with the City's Flood Ordinance.

Stormwater treatment facilities will be provided on-site and maintained by the Home Owners Association in compliance with the National Pollution Elimination Discharge System (NPDES), provision C.3 requirements.

Utilities

As conditioned, the applicant is required to submit water, sewer and storm drainage studies for the development. If the studies indicate that the development contributes to the over-capacity of the trunk line, the developer will be required to mitigate the overflow or shortage by construction of a parallel line or payment of a mitigation charge. The applicant is required to pay applicable capacity and connection fees and underground utility services along the property frontage and within the project site. All existing above-ground utility cabinets and vaults shall either be undergrounded or relocated to the back of planned sidewalk per Conditions of Approval.

Urgency Ordinance (240.2) Exception Request

On August 26th, 2014, the City Council adopted Urgency Ordinance No. 240.2 which implemented water use restrictions. Specifically as it relates to this project, the Urgency Ordinance prohibited the use of potable water for the installation of new landscape unless it is served by Reclaimed Water (5.07). Section 5.08 of the Urgency Ordinance allows the City Council to grant exceptions as needed. The subject site is not located in an area where reclaimed water is available for use and therefore they must use potable water for all on-site irrigation. All new developments, especially residential, need to provide landscaping and onsite amenities such as useable open space, especially in these transition areas. Since potable water is the only source for irrigation, staff supports the exemption request.

Public and Community Benefits

As conditioned, the proposed development will contribute $250,000 specifically for a City of Milpitas Community Gateway Signage Program, and design and construction of up to two gateway signs in Milpitas. This requirement has been included in the Conditions of Approval and outlined in Exhibit D, which provides a program scope of work that would commence at the time the project building permits are submitted to the City. Participation of the Planning Commission is an important element in the work scope.

The proposed project will also construct new improvements along California Circle including: AC overlay of the roadway surface along both sides of the street along the property frontage,

construct a new decorative mid-block crosswalk along California Circle at the northern portion of the site; and add decorative paving material to the existing crosswalk at California Circle and Fairview Way. The development also includes the two publicly accessible pedestrian walkways along the northern and eastern portions of the site, designed to connect to the BAP's site in the future.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

General Plan and Zoning Amendment (Section XI-10-57.02)

1. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The General Plan and Zoning Amendment to designate the site Multi-Family Residential is consistent with the past direction and actions of the City Council for properties along the eastern side of California Circle within the Dixon Landing Business Park at this general location and will provide a connective residential community. The amendment is consistent with other portions of the General Plan and Zoning Code.

2. *The proposed amendment will not adversely affect the public health, safety and welfare*

Designating the site as Multi-Family Residential will not adversely affect the public health, safety and welfare. The residential designation is consistent with the residential development to the east of the project site (across the creek) as well as consistent with the recently approved Trumark Waterstone residential development to the north of the project site along California Circle. The residential use will not negatively impact adjacent industrial and commercial uses and there is circulation network is sufficient for the new use.

Major Tentative Map Findings (Section XI-1-20.01)

1. *The tentative subdivision map is consistent with the Milpitas General Plan*

As discussed above, the subdivision map is complies with the R-3 Zoning District and to the development standards of the General Plan. The proposed project type, density and size are all consistent with the Multiple Family Residential General Plan Land Use Designation.

Planned Unit Development (XI-10-54.07)

1. *Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

The project includes $250,000 as a public benefit for a City of Milpitas Community Gateway Signage Program and up to two new gateway signs in the City. In addition, the California Circle street frontage will be improved with new decorative crosswalk paving, and two landscaped pedestrian walkways are proposed within the development for public access.

2. *The proposed Planned Unit Development is consistent with the Milpitas General Plan*

The proposed development is consistent with the Multi-Family residential designation density and use and is consistent with other provisions of the General Plan.

3. *The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction or loss of privacy that are not mitigated to acceptable levels.*

The proposed Multi-Family Residential development is consistent with the residential Trumark Waterstone project to the north, and existing residential uses to the east of the site and will not have a negative impact on adjacent properties. The residential neighborhood to the east is located across the creek and will not experience shadows or loss of views from the proposed development. The existing commercial and industrial developments across California Circle will also not be negatively impacted by the Multi-Family Residential buildings.

Site Development Permit (Section XI-10-57-03-1(F)

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding as it complies with the development standards contained within the R-3 District and the municipal code. The project is designed with a circulation network that connects with existing street and to future developments. As conditioned, the proposed buildings contain a variety of finish materials and articulations and with further refinement will be of high quality design on all sides. The perimeter landscaping and street improvements will provide a benefit to the neighborhood and pedestrian environment.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

With the approval of the Planned Unit Development Permit and adoption of the Zoning Amendment, the project will comply with the Milpitas Zoning Ordinance. The project is consistent the R-3, Multi-Family Residential zoning requirements and other code requirements.

3. *The project is consistent with the Milpitas General Plan.*

With the approval of the requested General Plan Amendment to Multi-Family Residential designation, the project will be consistent with the Milpitas General Plan. The project is consistent with the General Plan policy to provide for a variety of housing types and densities

that meet the needs of individuals and families. The project includes a mix of two and three bedroom units in a multi-family townhouse building format. The project also includes on-site private park open space areas and pedestrian walkways along the northern and eastern project boundary for enhanced pedestrian circulation around the site and designed for future connection to the BAPS property to the north, consistent with the General Plan policy to create a park-like setting and a greenway system laced throughout all living areas. Based on the applicant's fiscal analysis, the project will provide an increase in annual net revenues as compared to the existing use that will contribute to the City's financial position.

Urgency Ordinance (240.2) Exception

The proposed project includes new landscaping with potable water irrigation. The project site is not located adjacent to reclaimed water making connection infeasible. All new developments are required to install landscaping as per the Zoning Code and all landscaping shall be irrigated. The landscaping will provide amenities for the new residential development in an area where these amenities are needed.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) (Attachment B). An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and circulated for public review on October 1, 2014 through October 22, 2014. The IS/MND concluded that the project will not have a significant impact on the environment with the implementation of the mitigation measures. Mitigation measures include the following:

- Lighting design to ensure the project does not create a new source of substantial light or glare.
- Implement Best Management Practice measures to control dust and emissions during construction.
- Select equipment for use during construction that will minimize exhaust.
- Conduct pre-construction survey for special status plants, animals and nesting birds to protect or avoid during construction.
- Implement a tree replacement plan to mitigate the removal of existing trees.
- Establish protocol if archaeological resource or human remains are discovered during construction.
- Comply with the California Building Code Requirements to mitigate the risk of ground shaking, the foundation design to follow recommendations of project Geotechnical Engineer, and implement a surcharge program to reduce post construction settlements.
- Implement the Engineering Geologist's 40' setback distance recommendation for structures from top of creek bank.
- Retain a Cal-OSHA certified ACBM and lead-based pint specialists to assess the structure prior to demolition.
- Comply with the NPDES General Permit, SWPPP, NPDES C.3 requirements and NPDES Best Management Practices for construction and post construction water quality.
- Raise the base elevation of the project site to comply with current flood hazards, remove non-permitted improvements in the levee and complete a flood plain analysis.

- Retain an acoustical engineer and implement noise attenuation measures including mechanical ventilation in certain units.
- Contribute to city impact fees including required school impact fee and the Calaveras Boulevard Widening Project fee.
- Implement circulation plan improvements including an eastbound left turn pocket at California Circle and Fairview Way, center the driveway alignment onto California Circle and Fairview Way and provide on-site bike racks.

The mitigation measures noted above mitigate impacts to a less than significant level. The mitigation monitoring measures have been incorporated into the conditions of approval by reference and the applicant shall be responsible for satisfying all mitigations to the satisfaction of the City.

PUBLIC COMMENT/OUTREACH

The applicant conducted a community public outreach meeting on September 10, 2014. The meeting was attended by residents from the adjacent residential communities east of the project site. Area residents expressed interest in business growth and job creation as opposed to additional residential development. Resident's concerns also emphasized increase traffic, speeding, parking, maintenance of public spaces and inadequate garbage facilities. Residents also expressed interest in the project going above and beyond the minimum green building requirements and expressed concern with new development with water shortages.

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there has been one request for project information and no additional comments have been received on the project from the public.

Notice of Intent to Adopt a Mitigated Negative Declaration was published in the Milpitas Post on October 1, 2014 providing for a 20-day public review period. In addition, public notices were sent to owners and occupants within 1,000 feet of the project site, including all property owners within the Dixon Landing Business Park. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the November 18, 2014 City Council agenda.

CONCLUSION

In summary, it is recommended that the Planning Commission recommend the City Council approve this project, as conditioned. The project Conditions of Approval are essential for this recommendation to the City Council. In addition, the proposed project is consistent with past City Council direction and action for conversion of Industrial to Residential land use pertaining to properties within the Dixon Landing Business Park along the east side of California Circle. As conditioned, the residential development is consistent with the General Plan and Zoning Ordinance and meets the standards and requirements of the City's development criteria, and will provide new housing options for the community. The project will not have a significant impact

on the environment with the implementation of the Mitigation Measures and Conditions of Approval.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-035 recommending the City Council adopt the Mitigated Negative Declaration (EA) and approve General Plan Amendment, Zoning Amendment, Planned Unit Development Permit, Site Development Permit, and Major Tentative Map for the development of 144 townhouse units with associated site improvements at 1210 California Circle.

ATTACHMENTS

A. Resolution 14-035
B. Initial Study/Mitigated Negative Declaration
C. Project Plans
D. Comment Letter

MEETING MINUTES

MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA

Wednesday, October 22, 2014

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

Commissioners
Present: Chair Sudhir Mandal, Commissioners Gurdev Sandhu, John Luk, Rajeev Madnawat, Garry Barbadillo

Absent: Vice Chair Ciardella, Commissioners Morris and Lien

Staff: Steven McHarris, Johnny Phan, Shaunn Mendrin, Lisa Costa Sanders

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the September 24, 2014 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSTAIN: 0

V. ANNOUNCEMENTS

No announcements

VI. CONFLICT OF INTEREST

Assistant City Attorney Johnny Phan asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda.

Motion to approve the October 22, 2014 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

VIII. CONSENT CALENDAR

NO ITEMS

IX. PUBLIC HEARING

IX-1 **ST ELIZABETH CHURCH EXPANSION – 750 Sequoia Drive – UA14-0004, SD14-0010:** A request for a Conditional Use Permit Amendment and a Site Development Permit for the construction of a new 8,300 square foot ministry building. The project is categorically exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Senior Planner Shaunn Mendrin provided a PowerPoint presentation and reviewed the project.

Chair Mandal asked if the existing trash enclosure is adjacent to a resident's backyard and Mr. Mendrin said that it is next to a single family rear yard. Chair Mandal asked if the enclosure can be moved and Mr. Mendrin said staff can work with the applicant to determine if the existing enclosure can be relocated to an alternate location.

Commissioner Madnawat asked if there is a minimum parking requirement for churches and Planning Director Steven McHarris said the parking is based on the number of seats and square footage and referenced a table on page 7 of the staff report. Commissioner Madnawat asked if the church would still be in compliance after the extension and Mr. Mendrin answered yes.

Chair Mandal asked the applicant about the noise and number of attendees at church events and Reverend Lee, the pastor at the church, stated that special events typically take place indoors with the doors closed, but that they have a festival once a year that takes place outside from 9:00 am to 5:00 pm and that a permit is obtained from the City due to the noise ordinance. He added that they also have one annual evening procession on the parking lot with service indoors.

Chair Mandal said he was contacted by a concerned resident about the number of cars on the streets in the neighborhood and asked if any steps are being taken by the church, such as encouraging parishioners to carpool. Reverend Lee said the church has no formal program but does have plenty of parking available, they encourage parishioners to park on the property, and they have a parking lot team to coordinate traffic for Easter and Christmas when there are more attendees. Chair Mandal encouraged him to speak with resident to hear their concerns.

Commissioner Madnawat asked if the church expansion will increase the number of members and Reverend Lee said it would not. He said the problem is lack of space and that the new building will allow them to dedicate the church for worship only with other space for choir and other groups. Commissioner Madnawat feels having volunteers direct traffic to the parking lot may remedy some of the concerns of the neighbors.

Commissioner Madnawat asked if the trash enclosure location is constrained by the existing parking lot and architect Christopher Clancy said they are rebuilding the enclosure to current City standards at its existing location, which has been in the same location for 40 years with no complaints from residents.

Commissioner Barbadillo asked if Condition of Approval #17 was a staff recommendation, and Mr. Mendrin said that it was added after a comment from a neighbor regarding the noise. Commissioner Barbadillo said if the church is abiding by the noise ordinance then they should be allowed to have the doors open and suggested removing this condition.

Chair Mandal requested that the church encourage carpooling and also look into the possibility of relocating the existing trash enclosure.

Chair Mandal opened the public hearing.

Mr. Cosgrove said he has lived on Grand Teton for 26 years and that the quality of life in the neighborhood has deteriorated due to the many cars parked on his street. He said he cannot leave on a weekend and have a spot to return to on any weekend night. He added that the church is loud and he has to close his windows in the summer.

Mr. Plotkin said he has lived on Grand Teton for 31 years and lives across the street from the church. He said it has become very busy with a lot of festivals, not one or two a year as the church claims, with traffic and cars. He said the church has added speakers on the outside of the church, for the overflow of attendees, and they are on all of the time. He feels the streets should have red curbing to prevent parking in front of fire hydrants, which is a constant issue, and the neighbors should have a contact person to call when there are issues during events.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

Chair Mandal asked staff if there are speakers outside the building and Mr. Mendrin replied that he did not know of any but that there should not be. Mr. McHarris added that he was not aware of a speaker system being permitted and the commission may add a condition of approval requiring the exterior speaker system be removed.

Commissioner Madnawat requested that staff look into the outside speakers and suggested a six month review of the parking situation along with an added condition for a flagger to direct cars to the parking lot. He also felt it was important to provide contact information for residents and that the information be posted during large events.

Chair Mandal suggested restrictions on the speakers/sound system, a parking management program with volunteers to redirect cars to the parking lot, and that church management and City staff review an alternate location for the trash enclosure, moving it away from the residential property line, unless it is not feasible due to security or safety issues.

Motion to adopt Resolution No. 14-034 approving Conditional Use Permit Amendment No. UA14-0004 and Site Development Permit No. SD14-0010 for the construction of a new 8,300 square foot ministry building with the addition of conditions to provide parking management, review the possibility of relocating the trash enclosure, conduct community outreach program with the residents and provide contact information, place restrictions on the sound system, and return six months after the building is completed to review the parking impact.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 5

NOES: 0

ABSTAIN: 0

IX-2 **SOUTH MAIN SENIOR LIFESTYLES – 1504-1620 South Main Street – TP14-0001, SD14-0006, DB14-0001:** A request for a Site Development Permit and Vesting Minor Tentative Map and Density Bonus for the construction of Phase I of a senior congregate care and assisted living facility including a new four-story residential building with 199 rental units and associated site improvements. A CEQA finding is proposed that this project is within the program of the Midtown Specific Plan EIR and no further action is required.

Senior Planner Shaunn Mendrin presented a PowerPoint presentation and reviewed the project.

Commissioner Madnawat asked about the formula for calculating concessions and Mr. Mendrin said there is a set criteria in state law which is also incorporated into the zoning code. He also asked about parking and Mr. Mendrin said they referred to ITE parking standards which evaluates similar types of uses and averages parking demand and explained that the parking demand for congregate care will be less than for a typical multi-family housing project. He added that there is also a parking garage with 144 parking spaces available.

Chair Mandal asked if there will be a preference for Milpitas residents and Principal Housing Planner Felix Reliford said that the City Council adopted a resolution about eight years ago stating that affordable housing units in Milpitas are given first preference to Milpitas residents.

Commissioner Madnawat inquired about the cost of rent, and Joseph Callahan of South Main Senior Lifestyles said there in no standard rental cost and the prices vary per individual. He said prices are occupancy cost plus services, from minimal to assisted living with additional services, the number of meals provided, care by maintenance staff etc.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

Commissioner Madnawat believes the traffic impact will be minimal and that this project provides a substantial benefit to the community.

Commissioner Barbadillo would like the developer to ensure that the housing and care costs are affordable, that Milpitas seniors are a priority at this project, and if possible he would like to see the developer increase the number of affordable units.

Motion to adopt Resolution No. 14-033 recommending the City Council approve Vesting Minor Tentative Map No. TP14-0001, Site Development Permit No. SD14-0006, and Density Bonus No. DB14-0001 for the construction of Phase 1 of a senior assisted living and congregate care facility including a new four-story residential

building with 199 rental units (including 10 very low-income units) and associated site improvements.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSTAIN: 0

IX-3 **iSTAR CALIFORNIA CIRCLE – 1210 California Circle – GP14-0003, ZA14-0010, SD14-0013, EA14-0006, MT14-0001**: A request for a General Plan Amendment, Zoning Amendment, Site Development Permit, and Major Tentative Map for a land use change from Industrial Park to Multi-Family Residential to construct up to 144 residential units and associated site improvements. A Mitigated Negative Declaration has been prepared and circulated for this project.

Contract Planner Lisa Costa Sanders presented a PowerPoint presentation and reviewed the project.

Chair Mandal commented that there is only one exit for the project with a second for emergency vehicle access and asked if it is possible to have another added. Director McHarris said that, because of the curve of California Circle and site distance parameters, an additional ingress/egress cannot safely be added, but that the project will operate safely for the number of units proposed for the site. He also said that when the BAPS site north of the project is developed in the future, the two properties may connect providing additional access.

Chair Mandal asked about the park area in the center of the project and if it is sufficient for the size of the project and the number of homes and Mr. McHarris said that the space does satisfy City criteria. He added that the applicant proposed the private park areas and will also be required to pay a park in lieu fee that will satisfy all park requirements.

Chair Mandal asked what the assurance is that the architectural changes will be done and Ms. Costa Sanders said this is listed as a condition of approval that must be met prior to issuance of a building permit.

Commissioner Madnawat mentioned the Trumark project, which staff recommended to the Planning Commission not to approve, and asked for the difference. Mr. McHarris said the proposed project is consistent with past City Council direction and most recent action with the Trumark project for conversion of Industrial to Residential land use pertaining to properties along the east side of California Circle.

Commissioner Barbadillo asked about the Trumark development on the north side of the project and Mr. McHarris said there are 85 single family detached homes. Commissioner Barbadillo inquired about two new hotels expected in that area and Mr. McHarris confirmed that entitlement applications are currently being processed for two hotels in the immediate vicinity.

Chair Mandal asked who will maintain the parks and Ms. Costa Sanders said that both open spaces on the site will be private spaces for the benefit of the residents of this development and maintained by the Home Owners Association.

Harry Burrows of HB Consulting Group said he is assisting the applicant process the

project and reviewed a PowerPoint presentation describing the project and its benefits to the City. In regards to the park space, he believes that between the two locations there is adequate space to serve the site and he spoke about trail connectivity with his project and other trails in the surrounding area. Mr. Burrows then introduced Erich Stiger of iStar Financial who spoke about his company and the history of the project site.

Chair Mandal commented that staff is recommending architectural changes and asked Mr. Burrows if the changes are going to happen and Mr. Burrows said they are committed to working with staff to make architectural revisions that they are satisfied with, and their effort is to create a project that is good for the city.

Chair Mandal asked if there are any design changes that can be made to expand the park space and mentioned unused space in the park in the center of the project, and Mr. Burrows said that the area adjacent to the park is part of the storm water treatment area and although it will be open space it is not advisable to use for a recreation area. He added that they are providing a significant amount of trails within the project and that along the northern boundary of the project, in the greenbelt corridor, they will include fitness stations and some park functions that one would see in a traditional park, and that in essence it acts as a long, linear park. He believes that, between the greenbelt area, the area in the middle, and the small park area at the southeast corner, the project is well-parked.

Chair Mandal is concerned with parking, and said the parking design may be sufficient for standard parking but asked about overflow of cars on the streets. Mr. Burrows said they have provided adequate parking, each unit has a two car garage, and they have provided a significant amount of guest parking on the site as well. He thinks residents will understand that they will need to use their garages for parking and not for storage. Chair Mandal asked Assistant City Attorney Johnny Phan if the HOA CCRs can include a rule that garages be used for parking and not storage and Mr. Phan said he wasn't aware of any legal prohibition to include that but would need to look into it further. Chair Mandal said if it is legal then it should be considered in the CCRs.

Commissioner Barbadillo asked why there is a need to increase the height limit and Jill Williams, Principal with KTGY Group, replied that it is about design and creating extra ceiling height, larger windows and an open feeling within the homes.

Commissioner Barbadillo asked about community outreach and if the applicant contacted the school district, and Mr. Burrows said that there have been no meetings held with the school district and it is his understanding that school capacity is not an issue with this project.

Commissioner Madnawat asked for the locations of the two upcoming hotels and Mr. McHarris reviewed the locations on a map. He said his understanding is that the council has said that housing is acceptable on the east side but to keep the west side for commercial development, which Mr. McHarris said is correct.

Chair Mandal opened the public hearing

Dave Makower, a resident of the project area, believes the student generation is understated and feels the development will add more students to schools that are severely overcrowded. He said the new school is needed for the students they already have, not increased students. He also stated that the project attempts to cram as many units as possible into a small space.

Jill Kaufman, a resident at California Landing Villas across the creek from the development, spoke in support of the project and is pleased to have a new development making the west side habitable and appealing.

Bob Nunez, who also lives at California Landing Villas, spoke in support of the project but also thinks the City should stop converting commercial properties to residential because of overcrowding in schools and that the city will not be able to provide adequate infrastructure and public safety. He feels it is important to develop the west side and replace the old buildings that have been there for so many years.

Motion to close the public hearing.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

Commissioner Madnawat said he voted against the Trumark Waterstone project because he is not convinced that there are schools for these disconnected areas. He said schools are at capacity and the new school is not going to help this area. His theory is that because staff is so easy on land use conversions, property prices have gone through the roof and nobody finds it suitable to develop commercial projects. However, now there are two proposed commercial projects for the area and he is willing to wait two or three years to see if more good commercial projects come into the area. He added that once you convert to residential you can never change it back and for that reason he wants to propose a motion to deny the project.

Motion to adopt a resolution recommending to the City Council to deny the general plan amendment for conversion from industrial to residential.

Motion/Second: Commissioner Madnawat/Commissioner Barbadillo

AYES: 3

NOES: 2 Mandal, Luk

ABSTAIN: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 9:45 PM to the next meeting of November 12, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 5

NOES: 0

ABSENT: 3

Meeting Minutes submitted by
Planning Secretary Elia Escobar

2D

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

1210 CALIFORNIA CIRCLE RESIDENTIAL PROJECT

Prepared For:

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

Prepared By:

LAMPHIER – GREGORY
1944 EMBARCADERO
OAKLAND, CA 94606

SEPTEMBER 2014

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CITY OF MILPITAS - INITIAL STUDY

Project Title:	California Circle Residential Project
Lead Agency Name and Address:	City of Milpitas 455 East Calaveras Boulevard Milpitas, CA 95035
Contact Person and Phone Number:	Shaunn Mendrin, Senior Planner Planning Division Planning & Neighborhood Services Department 455 East Calaveras Boulevard Milpitas, CA 95035 (408) 586-3278 smendrin@ci.milpitas.ca.us
Project Location:	1210 California Circle Milpitas, California Assessor's Parcel Number (APN: 022-37-017)
Project Sponsor's Name and Address:	Erich Stiger, iStar Financial One Sansome Street, 30th Floor San Francisco, CA 94104 415-391-4300
General Plan Designation:	Industrial Park (INP)
Zoning:	MP (Industrial Park) (PUD 31)

Description of Project

iStar Financial (Applicant) is requesting a General Plan Amendment, a zoning change, approval of a Tentative Subdivision Map and Site Design Review approval from the City of Milpitas for development of a townhouse-type of residential development of 148 units on the 9.45-acre Project site.

Setting and Surrounding Land Uses

The Project site is an approximately 9.45-acre property located along California Circle, just south of Dixon Landing Road near the I-880 exit, in the Dixon Landing Business Park (see **Figure 1**). I-880 is a 10-lane freeway running north-south to the west of the Project site. This area is characterized by a mix of commercial, industrial, and warehouse land uses, and with residential and recreational open space uses also located nearby. Building heights within the business park vary by land use from one to three stories.

The Project site comprises the southerly end of California Circle (see **Figure 2**). Immediately north of the site is an industrial building which has been converted to a large religious facility known as BAPS Shri Swaminarayan Mandir ("BAPS"). The recently-approved Waterstone mixed-use residential project is located a few hundred feet further to the north and also on California Circle. To the west, across California Circle are similar light-industrial buildings, some of which are occupied and others vacant. Continuing south along the opposite side of California Circle there are several additional office and light-industrial manufacturing buildings, and an additional religious facility. Single-family homes and small-lot townhouse type residences are located east of the site, across Lower Penitencia Creek.

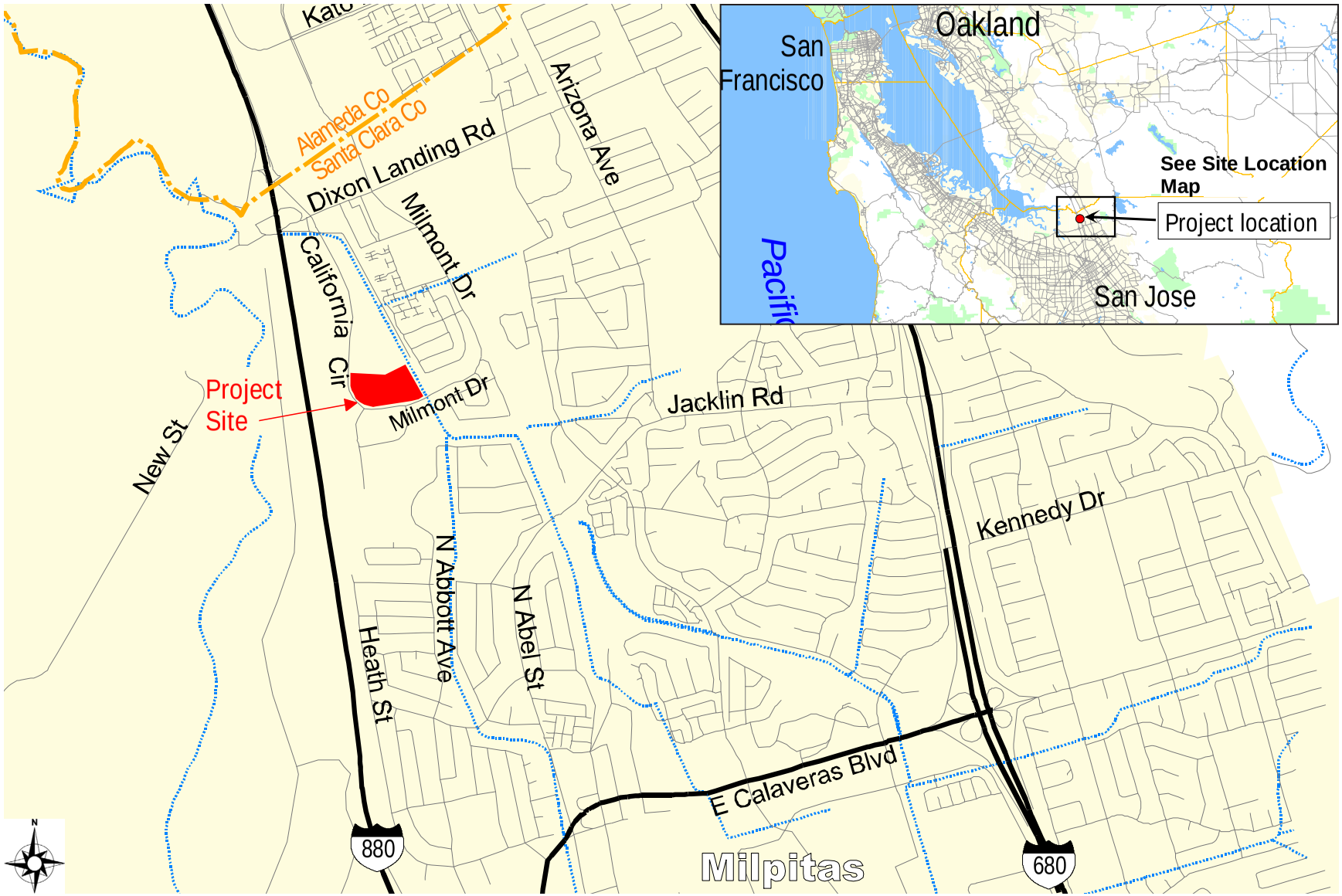

Figure 1
Project Site Location and Vicinity

Source: Live Oak Associates, Inc.

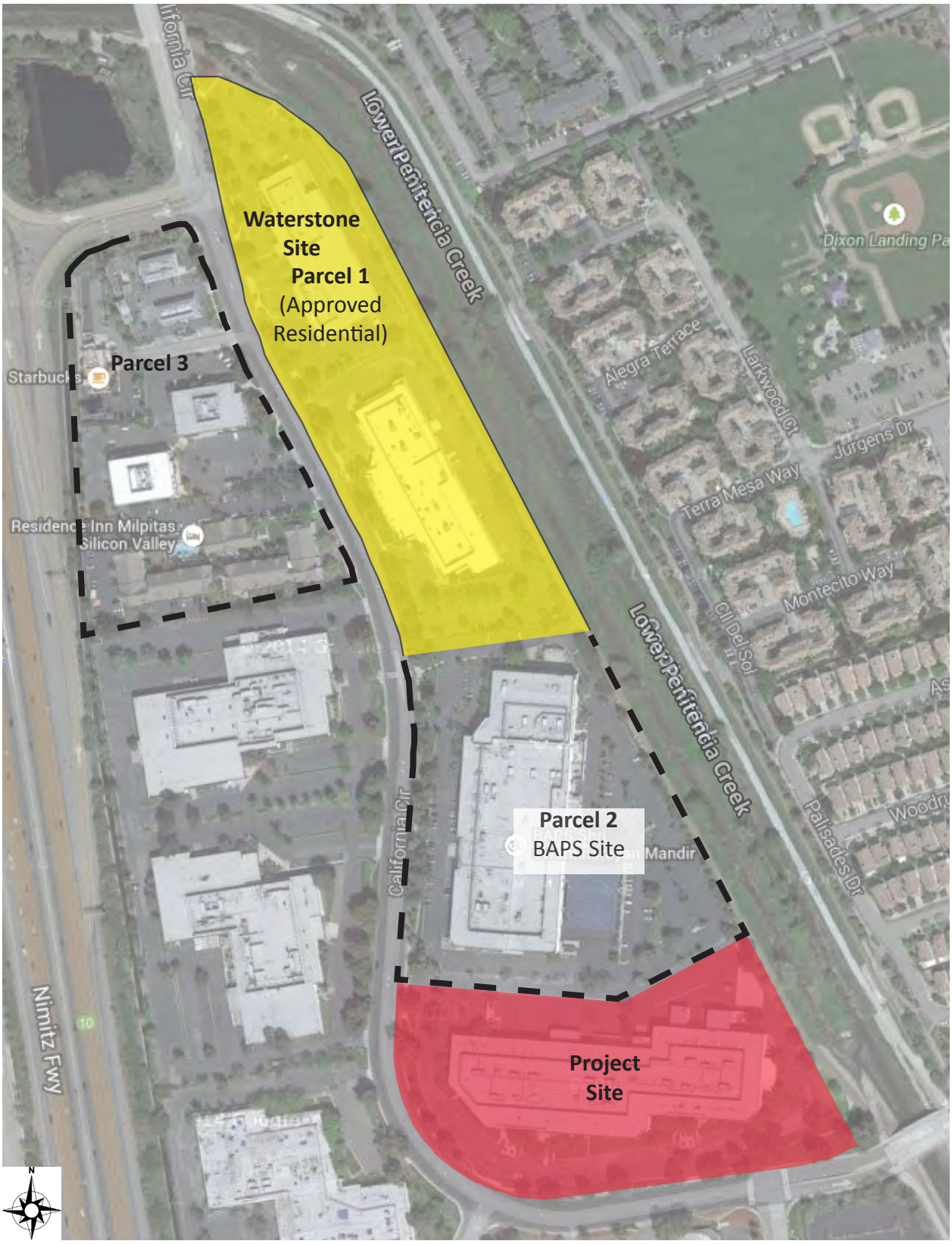

Figure 2
Project Site and Adjacent Land Uses

Source: Waterstone Residential Project DEIR, City of Milpitas, (June 2013)

The eastern boundary of the site abuts Lower Penitencia Creek; a wide creek channel with levees on both sides and riparian and wetland vegetation throughout. A maintenance easement affecting the easternmost 80 feet of the Project site is held by the Santa Clara Valley Water District (SCVWD). The easement precludes development, resulting in the net developable portion of the Project site being approximately 8 acres. The western levee, closest to the Project site, has an unpaved dirt trail atop the levee that is accessible from the Project site and sites to the north along California Circle. A paved trail extends along the top of the eastern levee, accessible from the adjacent residential neighborhood which is comprised of multi-family residences (apartments and townhouses) and single-family residences. However, the SCVWD is commencing a floodway expansion project that will affect the location of trails and existing levee improvements. The design details of this project are unknown at this time.

Newby Island Landfill, the Zanker Road Landfill and Compost Facility and the treatment lagoons of the San José/Santa Clara Water Pollution Control Plant (WPCP) are all located on the west side of I-880, approximately 1.5 miles, 2.25 miles and 0.3 miles, respectively, from the closest edge of the Project site.

Access to the site is currently provided by three curb cuts onto California Circle that connect to an internal looped driveway and surface parking. An existing approximately 120,500 square foot, one-story building is currently located on the site, originally constructed as part of the Business Park in 1987. The building has been leased to several light manufacturing, office and technology-related firms over the years, most recently the solar firm Solyndra. The building is now vacant. Ornamental landscaping surrounds the building along the frontage of California Circle (see **Figure 3**).

Proposed Project

The Project would clear the site of existing structures, parking areas and most of the perimeter landscaping, and the existing driveways and curb cuts would be removed and replaced with curb and gutter. Soil would be imported and distributed across the site in accordance with engineering specifications to raise portions of the site by approximately 3 feet in order to raise the site above the FEMA 100-year flood water surface elevation.

New construction at the Project site would include a total of 148 attached housing units within a total of 27 separate buildings (see **Figure 4**). The townhome buildings would be placed on individual new lots. Two (2) common lots would be created; one for an on-site water quality treatment swale and another for a small on-site park that will be publicly accessible but privately maintained. An additional lot would be created that would encompass the entire approximately 1-acre, 80-foot wide SCVWD easement along the easterly portion of the site. Internal streets and sidewalks would be constructed and underground utilities for power, telephone, water, sewer, CATV and drainage would be distributed to provide services to each residential lot.

The 3-story townhouse buildings (see **Figure 5**) would be comprised of 64 two-bedroom units and 84 three-bedroom units (44 of which would also include a den), ranging in size from 1,250 to 2,016 square feet in size. The overall density of residential buildings would be approximately 15.7 dwelling units per gross acre, at 148 units across the total 9.45-acre site.

Access to the site will be limited to one primary entrance, located so as to create a 4-way intersection at the existing intersection of California Circle and Fairview Way. A second, emergency vehicle access point would be provided at the westerly edge of the site onto California Way, and the primary entrance road is designed as a hammer-head cul-de-sac that ends at the edge of the property adjacent to the BAPS site. This cul-de-sac could potentially be opened to the north through the BAPS site at a future date to meet with the southern connection approved as part of the Waterstone project, providing future residents and emergency personnel with multiple vehicular routes in and out of the Project area. Along the internal roads, the Project would provide a total of 296 resident surface parking spaces (at a ratio of 2 spaces per unit), plus an additional 63 guest surface parking spaces (4 more than required by Code), for a total of 359 parking spaces.

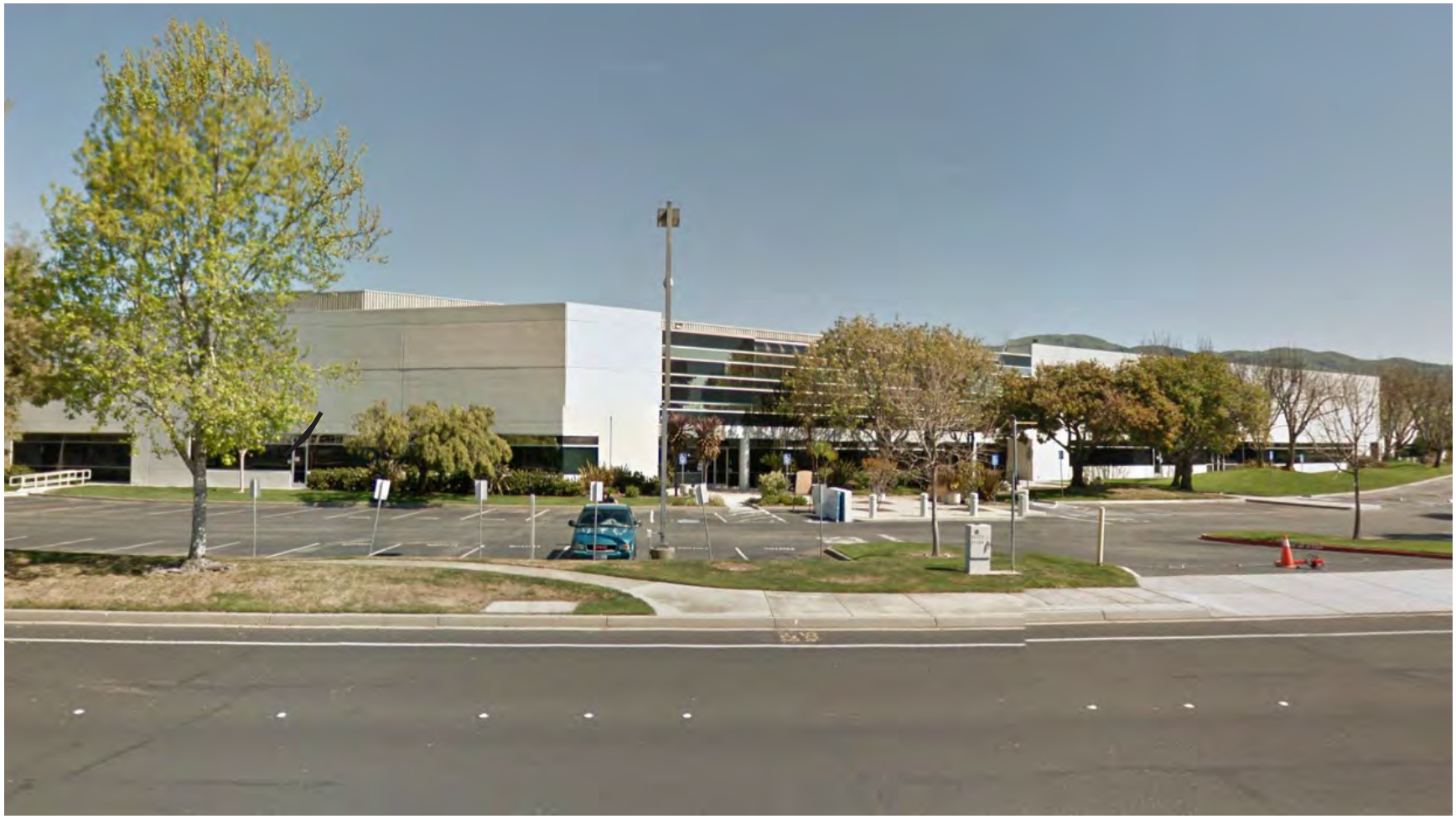

Figure 3
Existing Building on Project Site

Source: Google Maps, Streetview (August 2014)

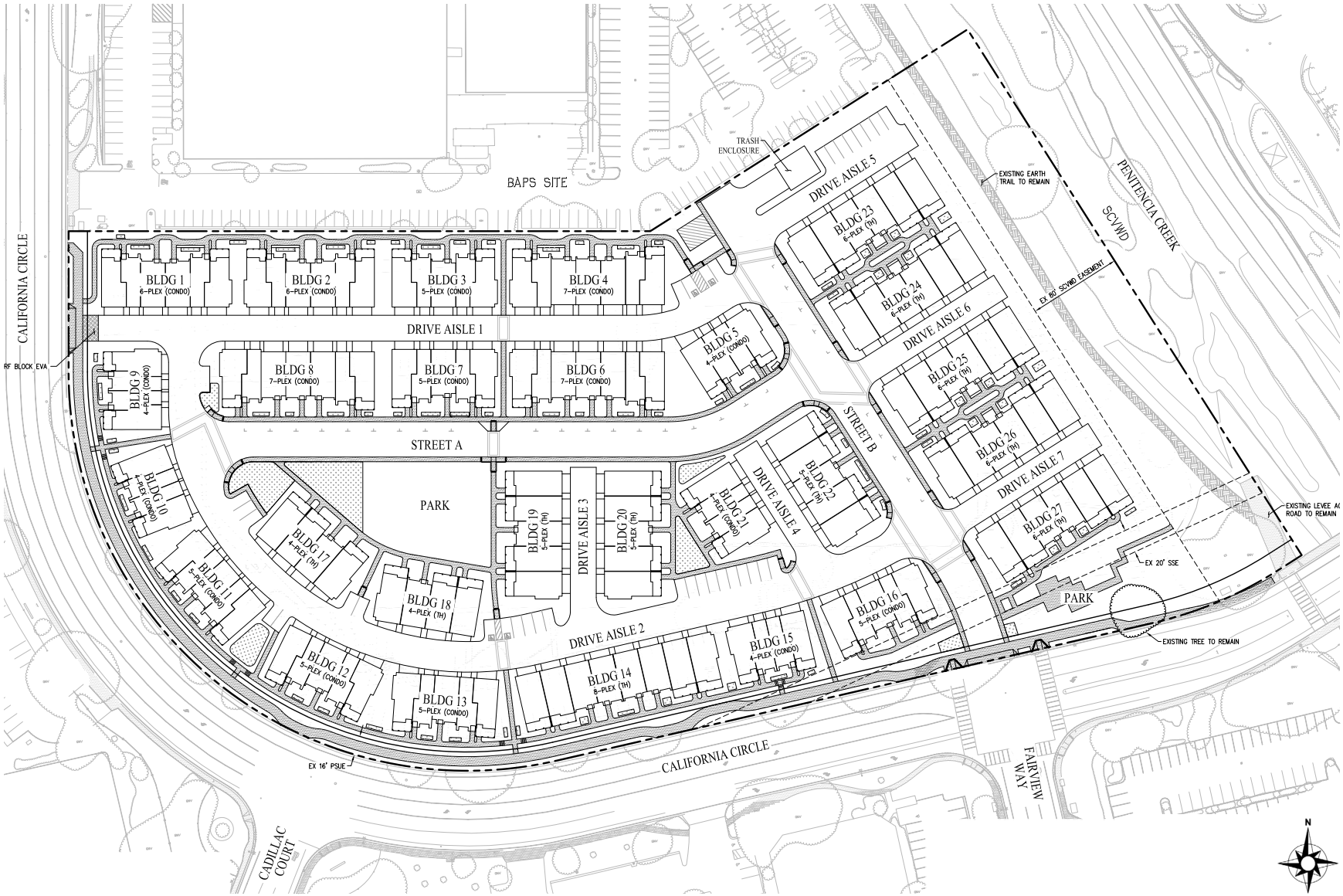

Figure 4
Site Plan

Source: Carlson, Barbee, & Gibson (September 23, 2014)

Figure 5
Elevations, Building 5 (top), Building 7 (bottom)

Source: KTGY Group, Inc. (August 14, 2014)

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

Proposed General Plan Land Use Designations and Zoning

Currently, the site has a General Plan land use designation of *Industrial Park* (INP), and the applicant proposes to amend this land use designation to *Residential – Multifamily High*.

The site is currently zoned *Industrial Park* (MP) with Site and Architectural Overlay and a PUD (#31) permit, and the applicant proposes to change the zoning to *Multi-Family High Density Residential* (R-3) with a PUD permit consistent with the Project's site plan and design. The proposed density would be consistent with that permitted under the City's R-3 classification which, at the 9.45-acre Project site could potentially allow up to 170 lots.

Public Agencies whose Approval is Required

City of Milpitas:

- General Plan Amendment,
- zoning change,
- tentative subdivision map,
- subsequent demolition, grading and construction permits

Santa Clara Valley Water District

No other public agencies are known to have jurisdiction or subsequent permit approval for any aspects of the Project that occur outside of the Santa Clara Valley Water District (District) easement. However, to the extent that property improvements for the Project may be proposed within the District right of way, a District permit would be required, consistent with the Water Resources Protection Ordinance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. As indicated below, there are no environmental factors affected by this project that are identified as “potentially significant”, and thus no EIR is required.

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

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Signature

9/25/14

Date

SHAWN MENDOZA

Printed Name

MITIGATED NEGATIVE DECLARATION

This Mitigated Negative Declaration has been prepared for the 1210 California Circle project in the City of Milpitas (see the Introduction and Project Information section of this document for details of the Project.

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

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

Potential Impact:	Mitigation Measures	Resulting Level of Significance
Aesthetics-4: The Project could create a new source of substantial light or glare which would adversely affect day or nighttime views in the area		
	Mitigation Aesthetics-4: Standard Lighting Design Requirements. The Project would undergo architectural and site design review by Planning staff prior to issuance of building permits to ensure that the Project would not adversely affect the visual quality of the area or create a substantial new source of light or glare for residences to the north or east. Typical design requirements include directional and/or shielded lights to minimize the brightness and or glare of the lights on light sensitive uses including the creek and nearby residences. City review would ensure that lighting would not adversely affect the visual quality of the area or create a substantial new source of light or glare for the creek, nearby residences, or for cars traveling on I-880	LTS
Air Quality-2A: The Project could result in air quality and fugitive dust-related impacts associated with grading and new construction, but these impacts would be reduced with implementation of Best Management Practices as required of all projects.		
	Mitigation Measure Air Quality-2A: Measures to Control Dust Emissions. The contractor shall implement the following Best Management Practices that are required of all projects: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible, as well, after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	
Air Quality-4: During construction of the Project, construction-period diesel exhaust could pose both a potential health and nuisance impact to nearby receptors, but this effect would be reduced through implementation of recommended mitigation measures.		
	Mitigation Measure Air Quality-4: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following: 1. All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and 2. Minimize the number of hours that equipment will operate, including the use of idling restrictions.	LTS
Biology-1: The Project would not adversely affect special status plants, but could have a substantial adverse effect, either directly or through habitat modifications, on animal species identified as a candidate, sensitive, or special status species. These effects would be reduced through implementation of mitigation measures recommended for the Project		
	Mitigation Measure Biology-1A: The Project shall implement the following avoidance, minimization, and compensation measures prior to and during construction of the Project: 1. Prior to the start of construction, a qualified biologist should train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices. 2. Pre-construction surveys should be conducted to ensure that western pond turtles (WPT) and nesting birds are absent from the construction area. If an active bird nest is observed, then an appropriate construction-free buffer will be established by a qualified biologist. If WPT are present, a qualified biologist possessing all necessary permits should relocate them. 3. Silt fencing and appropriate erosion control shall be in place separating the riparian system in Lower Penitencia Creek from the area impacted by construction prior to construction activities. This silt fencing may act as a barrier to keep WPT from entering the area of construction, and will ensure that the creek is not adversely affected by addition of silt/sediment into the creek during construction.	LTS
	Mitigation Measure Biology-1B: Pre-construction Nesting Bird Surveys. To the maximum extent practicable, any trees planned for removal should be removed during the non-breeding season (September 1	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	through January 31). 1. If it is not possible to avoid tree removal or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 ft. of the footprint, if such disturbance will occur during the breeding season. This survey should be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). 2. If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. 3. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.	
	Mitigation Measure Biology-1C. Mitigation for potential impacts to the Western Burrowing Owl shall include the following measures: 1. In order to avoid impacts to active burrowing owl nests, a qualified biologist should conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the onset of ground disturbance. These surveys should be conducted in a manner consistent with accepted burrowing owl survey protocols. If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed. 2. If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet should be established around all active owl nests. The buffer area should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.	LTS
Biology-5: With implementation of required compliance with City of Milpitas mitigation requirements for protected trees, the Project will not conflict with any local policies or ordinances		

Potential Impact:	Mitigation Measures	Resulting Level of Significance
protecting biological resources, such as a tree preservation policy or ordinance. Compliance with the Tree Ordinance would reduce potential impacts to a less-than-significant level.		
	Mitigation Biology-5: Tree Replacement. Any trees removed for the Project that meet the protected tree criteria of the Municipal Code shall require appropriate tree replacement compensation as determined by the City, including conditions of approval regarding number of replacement trees, species type and size.	LTS
Cultural-2: The Project is not expected to cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 or disturb any human remains, including those interred outside of formal cemeteries, but mitigation measures would reduce impacts related to the unlikely event that subsurface artifacts are uncovered during grading activities.		
	Mitigation Measure Cultural-2A. In the event that prehistoric or historic resources are encountered during excavation and/or grading, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Neighborhood Services will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Neighborhood Services.	LTS
	Mitigation Measure Cultural-2B. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	LTS
Geology-2: The Project, similar to other development throughout the San Francisco Bay region, could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to strong ground shaking, but this effect is reduced to levels considered less than significant through implementation of standard mitigation as found in the California Building Code requirements.		
	Mitigation Geology-2: California Building Code Requirements. To mitigate ground shaking effects, all structures should be designed using sound engineering judgment and the latest California Building Code (CBC) requirements as a minimum. Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead and live loads. The code-prescribed lateral forces are generally substantially smaller than the expected peak forces that would be associated with a major earthquake. Therefore, structures should be able to: 1. resist minor earthquakes without damage, 2. resist moderate earthquakes without structural damage but with some nonstructural damage, and 3. resist major earthquakes without collapse but with some structural as	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	well as nonstructural damage.	
Geology-3: The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death related to liquefaction, but this effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-3: Foundation Design. The foundation designs for new Project buildings shall conform to the foundation options and recommendations of the Project's Geotechnical Engineer, as found necessary to mitigate liquefaction hazards and reduce the risk of damage during a major earthquake. Based on preliminary recommendations (ENGEO, 2014), post-tensioned mat foundations are recommended, capable of preventing collapse or the loss of life but not fully preventing risk of structural and non-structural damage as a result of a major earthquake. If the preliminary design recommendations of ENGEO 2014 cannot be achieved by the Project's Structural Engineer, alternative recommendations and foundation options may be considered, providing such alternatives are found consistent with California Building Code requirements. Assuming post-tension mat foundations, the following technical recommendations shall be addressed in final foundation designs: 1. The foundation design should consider 1-inch total load-induced settlement subsequent to completion of surcharge operations (see Mitigation Geo-4, below). A differential value of ½ inch may be considered and should be assumed to act between adjacent column supports or over a 30-foot distance. 2. Post-tensioned mats should be designed for an average allowable soil pressure of 1,200 pounds per square foot for dead-plus-live loads, with maximum localized bearing pressures of 1,500 pounds per square foot for concentrated loads. Allowable bearing pressures can be increased by one-third when considering total loads, including wind or seismic loads. The actual thickness of the mat foundation should be determined by the project Structural Engineer based on structural calculations. 3. The subgrade material under structural mat foundations should be uniform. The pad subgrade should be moisture conditioned to a moisture content of at least 2 percentage points above optimum. The subgrade should be thoroughly soaked and approved by the Geotechnical Engineer prior to placing the reinforcement or tendons. The subgrade should not be allowed to dry prior to concrete placement. 4. A tough, water vapor retarding membrane should be installed below the slab to reduce moisture condensation under floor coverings. The vapor retarder should meet ASTM E 1745 – 97 Class A requirements for water vapor permeance, tensile strength, and puncture resistance. Vapor transmission through the mat foundations can also be reduced by using high strength concrete with a low water-cement ratio.	LTS
Geology-4: The Project is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-4A: Surcharge Program. To reduce post-construction consolidation settlements, a surcharge program to "pre-consolidate" the soft clay deposits prior to site development may be used. A	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	surcharge program would involve the placement of temporary fills, uniformly blanketing the western portion of the site until the desired degree of consolidation in these areas has occurred, as determined by a site-specific settlement-monitoring program. Based on field exploration to date, the estimated minimum surcharge area is shown on Figure 16. 1. Surcharge fill should be uniformly placed over areas where structures or raised grades are planned to adequately drive consolidation of the highly compressible soft clay. The surcharge fill area, grades and extent, should be determined by a geotechnical engineer depending on surcharge period, building loads, and surcharge materials. It is anticipated that a surcharge program with a surcharge height of at least 6 feet (assuming average unit weight of surcharge material is 120 pounds per cubic foot) above final grade elevations. 2. Surcharge fill should remain in place for a period of time determined to be sufficient to allow the desired degree of consolidation to be achieved, so that the risk of settlement is sufficiently reduced for the planned development. Depending on the construction schedule, implementation of a surcharge program may be accelerated by installing wick drains, which allow rapid pore pressure dissipation. Variable surcharge heights and wick drain spacing combinations are possible and may be feasible depending on specifics of loads and project timelines. Foundation designs should consider up to 1 inch of residual static-settlement. 3. If desired, the use of lightweight fill may be considered to reduce surcharge height, or existing fill on the site could be excavated and used as temporary surcharge fill. 4. Following surcharge removal, residual settlement of the soft clay is estimated to be small and structures supported on shallow foundations, such as post-tensioned mat foundations, should be designed to withstand the estimated post-construction differential settlement. 5. Where utilities are installed within the soft clay layer, the weight of the utility backfill will be heavier than the soft clayey deposits removed, resulting in undesirable potential settlement of the utility pipeline. For this case, the use of special "lightweight fill" should be considered to reduce additional loading on the compressible deposits. Recommendations for underground utilities are provided in a subsequent section.	
	Mitigation Measure Geology-4B: Fill Removal and Re-compaction. Treatment of existing or undocumented fills typically includes removal and re-compaction of soil deemed suitable for reuse. Where encountered, existing fill, utility trench backfill, and existing foundation backfill are considered undocumented and should be sub-excavated to expose underlying competent native soils that are approved by the Geotechnical Engineer. If in a fill area, the base of the excavations should be processed, moisture conditioned, as needed, and compacted in accordance with the recommendations for engineered fill. 1. Depending upon cuts associated with removal of foundations or undocumented fills, differential fill thickness conditions could possibly arise. For sub-excavation activities that create a differential fill thickness across a building footprint, mitigation to achieve a similar fill thickness across the pad is beneficial for the performance of a shallow foundation system. It is recommend that a differential fill thickness of	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	up to 5 feet is acceptable across the building footprint. 2. To improve foundation performance for the planned structures and to mitigate the risk of liquefaction-induced surface rupture (sand boils), we recommend near-surface soils comprise uniform fill of at least 3 feet and underlain by a woven geotextile fabric (Mirafi 500X or approved equivalent). Recommendations regarding placement depths of geotextile fabric should be re-addressed once land plans are available and may be modified during grading activities depending on groundwater levels. 3. Once a suitable firm base is exposed, the exposed non-yielding native surface should be scarified to a depth of 10 inches, moisture conditioned, and re-compacted to provide adequate bonding with the initial lift of fill. All fills should be placed in thin lifts, with the lift thickness not to exceed 10 inches or the depth of penetration of the compaction equipment used, whichever is less. 4. In general, graded slopes should be no steeper than 2:1 (horizontal: vertical). All fill slopes should be adequately keyed into firm materials unaffected by shrinkage cracks. If a cut or cut-fill transition occurs within a graded slope, it should be over-excavated and reconstructed as an engineered fill slope.	
Geology-5: The Project is located on a geologic unit or soil that is unstable or that could become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction.		
	Mitigation Measure Geology-5A: Lower Penitencia Creek Bank Setback. Implement the Engineering Geologist's recommendation for a minimum setback distance of 40 feet from the top of the existing creek bank for structures, and a minimum setback distance of 30 feet from the top of the existing creek bank for other development related site improvements (i.e. pavements, sidewalks, and utilities). 1. If structures or site improvements are planned within the recommended setbacks, additional remedial grading mitigation measures may be necessary (i.e. below-grade retention systems, shear keyway, etc.) that extend to adequate depths to provide adequate stability considering the adjacent creek. 2. As part of more detailed grading plan review, the remedial grading and any other recommended measures may be outlined, as necessary.	LTS
Hazards-2: The Project could 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, but such an accident would be reduced to less than significant level with implementation of mitigation measures requiring conformance with asbestos and lead-based paint regulations.		
	Mitigation Measure Hazards-2: The Applicant shall retain Cal-OSHA certified ACBM and lead-based paint specialists to assess the structure for the presence of these hazardous materials prior to the start of demolition work. Hazard abatement or removal and disposal of hazardous materials, if any are found, shall comply with applicable regulations.	LTS
Hydrology-2: The Project could result in a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade water quality, but this impact would be reduced		

Potential Impact:	Mitigation Measures	Resulting Level of Significance
through required implementation of construction-period and post construction water quality mitigation measures.		
	Mitigation Measure Hydrology-2A: NPDES General Permit for Construction. As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following: 1. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. 2. Earthmoving or other dust-producing activities shall be suspended during periods of high winds. 3. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. 4. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered. 5. All trucks hauling soil, sand, and other loose materials shall be covered or shall maintain at least two feet of freeboard. 6. All paved access roads, parking areas, staging areas and streets adjacent to the construction site shall be swept daily (with water sweepers). 7. Vegetation in disturbed areas shall be replanted as quickly as possible. 8. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed if requested by the City.	LTS
	Mitigation Measure Hydrology-2B: Compliance with SWPPP. The Project proponent shall prepare and file a draft Stormwater Pollution Prevention Plan (SWPPP) that addresses measures to minimize and control construction runoff. A copy of the draft SWPPP will be submitted to the City of Milpitas for review and approval prior to start of construction. When approved, the certified SWPPP will be posted at the Project site and will be updated to reflect current site conditions.	LTS
	Mitigation Measure Hydrology-2C: NPDES C.3 Requirements – Stormwater Control Plan. Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.	LTS
	Mitigation Measure Hydrology-2D: NPDES Best Management Practices. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts. 1. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site. 2. All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season. 3. The property owner/home owner's association will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times. 4. The residential homeowner's association will ensure through the CC&R's that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude homeowners from landscaping or other improvements which might diminish the functionality of the system.	
Hydrology-4: The Project site is located within a 100-year flood hazard zone and would 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. This impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site above the flood level.		
	Mitigation Measure Hydrology-4: Raising the Base Elevation. To reduce the risk of flood hazards to acceptable levels and to comply with current flood hazard regulations, the proposed Project will raise the base elevation of the Project site by approximately three feet, such that final on-site grades will be at or above 15 feet NAVD, and therefore the Project site will be at an elevation above the floodplain. Furthermore, the Project's finish floor elevations will be at minimum elevation of 16 feet NAVD or higher to meet the City of Milpitas Flood Ordinance requirements that finish floor elevations be at least one foot above the FEMA base flood elevation.	LTS
Hydrology-5: The Project site is not subject to inundation by seiche, tsunami or mudflow, but could 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. However, this impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site.		
	Mitigation Measure Hydrology-5A: Raising the Base Elevation (see detailed discussion of MM Hydro-4, above)	LTS
	Mitigation Measure Hydrology-5B: Removal of Non-Permitted Improvements on the Levee. Certain existing tees, irrigation, lighting and stairs observed on the existing levee appear to have been installed without a District permit, and shall be removed so as not to adversely affect the levee structure.	LTS
Hydrology 6: The Project would place structures and fill within a 100-year flood hazard area that could have the potential to affect the flood elevations in the area or upstream, or redirect flood flows. This impact would be reduced through implementation of mitigation pursuant to Milpitas Floodplain Management Regulations that require no increase in the base flood elevation during		

Potential Impact:	Mitigation Measures	Resulting Level of Significance
the occurrence of the base flood discharge.		
	Mitigation Measure Hydrology-6: Flood Plain Analysis. Prior to approval of a grading plan for the Project, a flood plain analysis shall be prepared to delineate the post-development flood plain depth and lateral extent. 1. The flood plain analysis shall be certified by a registered professional engineer or architect, and submitted to the City for review and approval, and the Santa Clara Valley Water District for review. 2. The analysis shall demonstrate that the Project will not increase the 100 year water surface elevation on surrounding properties, nor shall it increase the lateral extent of flooding. 3. The analysis shall also demonstrate that cumulative impacts to the base flood elevation, taking into consideration all nearby development, will be less than one foot. 4. To the extent necessary to achieve the performance standards identified above, site improvements (grades, roadways, buildings, etc.,) shall be designed to allow for the passage and storage of flood water within the site.	LTS
Noise-1: The Project could expose persons to, or generate noise levels in excess of standards established in the Milpitas General Plan or noise ordinance, but mitigation measures recommended for the Project would reduce this impact to a less than significant level.		
	Mitigation Measure Noise-1A. **Require an Acoustical Engineer to Design and Specify Appropriate Noise Attenuation Measures.** Prior to approval of building permits, a qualified acoustical consultant shall review final designs for floor plans and exterior elevations for construction to calculate expected interior noise levels as required by City policies and State noise regulations. The design must be able to assure that interior noise levels will be 45 dBA or lower. It is expected that window and door assemblies will be required to a meet sound transmission class (STC) rating of class 32 or greater for all rooms facing California Circle, and STC 28 for windows and exterior doors in all other locations to assure indoor noise levels at DNL 45 dB or lower. 1. The acoustical consultant shall identify and include on the plans and specifications for the Project the specific noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) that are to be applied throughout the Project. 2. The designs and specifications of the acoustical consultant shall be submitted to the City as part of the construction documents submitted for building permits and shall be reviewed and approved by the City prior to issuance of building permits. 3. All noise insulation treatments identified during review of the final plans will be incorporated into the proposed project.	LTS
	Mitigation Measure Noise-1B. Require Mechanical Ventilation. Since windows of residences will need to be closed to meet the interior DNL 45 dB criterion, all houses shall be equipped with mechanical ventilation systems. Such systems shall be designed by the project mechanical engineer and shall utilize equipment that does not compromise sound insulation of the exterior assemblies.	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
Noise-4: The Project's construction activity would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, but this impact would be reduced to less than significant levels with implementation of required construction noise mitigation measures.		
	Mitigation Measure Noise-4. The Project will be required to implement the following noise control measures and comply with Chapter 213 (Noise Abatement) of the City's Municipal Code which regulates construction noise within the City: 1. Construction and demolition activities shall be limited to the period between 7:00 AM and 6:00 PM Monday through Friday and 9:00 AM to 6:00 PM on Saturdays. No construction or demolition activities are permitted on Sundays or holidays. 2. Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment. 3. The applicant 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 shall respond to and address all complaints about noise.	LTS
Services-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 public services.		
	Mitigation Measure Services-1A: School Impact Fees. The Project shall be responsible for payment of required school impact fees.	LTS
	Mitigation Measure Services-1B: To conform to the City's park and recreation ordinance (Subdivision Ordinance, section 9), the Project shall dedicate additional public parkland, or pay applicable in-lieu fees, as outlined in the Municipal Code.	LTS
Transportation-2: The Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways.		
	Mitigation Measure Transportation-2: Calaveras Boulevard Widening Project TIF. The Project shall pay its fair share toward the Calaveras Boulevard Widening project through payment of the City-established Calaveras Boulevard Widening project Traffic Impact Fee (TIF).	LTS
Transportation-4: The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses.		
	Recommendation Transportation-4A: Eastbound Left Turn Pocket. Install an eastbound left-turn pocket into the proposed site driveway at the intersection of California Circle and Fairview Way. This can be accomplished within the existing right-of-way, and would entail restriping and implementing minor modifications to the existing two-way center turn lane on the west leg of the intersection.	LTS

Potential Impact:	Mitigation Measures	Resulting Level of Significance
	The existing cross-section of California Circle immediately west of the intersection at Fairview Way and the Project driveway is approximately 65 feet wide with a westbound bike lane, two westbound through lanes, a two-way center turn lane, one eastbound through lane, one eastbound right-turn lane, and an eastbound bike lane. The width of California Circle is therefore sufficient to permit restriping of the existing two-way center turn lane to accommodate a left-turn pocket on eastbound California Circle into the project driveway. There is a distance of a little more than 200 feet on California Circle between Fairview Way and a driveway into a property on the southwest quadrant of the intersection. From the existing two-way center turn lane, vehicles are able to turn into that driveway. The distance of 200 feet should be sufficient to accommodate back-to-back eastbound and westbound left-turn pockets of 100 feet each (including taper) for the left-turn movements into the Project driveway and into the adjacent property's driveway, respectively. **Recommendation Transportation-4B: Centered Driveway Alignment.** The Project site driveway onto California Circle shall be centered at the intersection of California Circle and Fairview Way, with a clear definition of proper vehicle path to minimize confusion for the public. 1. The Project should provide a crosswalk and ADA-compliant ramps across its driveway, so that there are crosswalks across all four approaches of the California Circle and Fairview Way intersection. **Recommendation Transportation-4C: Provide Bike Racks.** The project should provide bike racks in accordance with VTA requirements. Bike parking spaces are not shown on the current plans. These should be placed in accessible, secure, and well-lit locations. **Recommendation Transportation-4D:** It is recommended that the City of Milpitas coordinate with VTA to explore the possibility of installing bus stops closer to the project site.	

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is provided in the following Initial Study Checklist for all answers. "No Impact" answers are adequately supported if the referenced information sources show that the impact simply does not apply to the Project. "No Impact" answers are explained where Project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis) are the basis of that answer.

All answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.

If the Project may result in a particular physical impact, then the checklist answers indicate whether the impact is Potentially Significant, Less than Significant with Mitigation, or Less than Significant. One or more "Potentially Significant Impact" entries would require preparation of an EIR.

The "Less Than Significant with Mitigation" answer applies where mitigation measures have been incorporated into, or required of the Project that are capable of reducing an effect to a "Less Than

Significant Impact." The applicable mitigation measure is described, and a brief explanation provided as to how the measure reduces the effect to a less than significant level.

Prior environmental analyses has been used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration pursuant to Section 15063(c)(3)(D). In this case, a brief discussion indicated the prior source and where it is available for review; identifies which effects were within the scope of and adequately analyzed in the earlier document pursuant to applicable legal standards, and whether such effects were addressed by mitigation measures based on the earlier analysis; and describes the mitigation measures incorporated from the earlier document and the extent to which they address site-specific conditions for the Project.

ENVIRONMENTAL CHECKLIST

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	2, 4, 16
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	2, 4, 16, D
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1, 2, 16
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐	1, 8

Environmental Settings

The 9.45-acre site is located on the east side of California Circle, east of I-800 and south of Dixon Landing Road in the City of Milpitas. Lower Penitencia Creek runs parallel to the east side of the property. The Project site is relatively flat and is located in an area comprised of mixed land uses including light industrial, commercial, and residential buildings of one - three stories in height. The Project site currently contains a vacant light industrial building of approximately 27 feet high and comprising approximately 120,500 square feet of enclosed space; the building is surrounded by a surface parking lot and perimeter ornamental landscaping (see prior Figure 3).

Lower Penitencia Creek is a wide creek channel with levees on both sides and riparian and wetland vegetation throughout. Sitting atop the eastern levee is a paved trail that is accessible from the adjacent neighborhood. The top of the levee adjacent to the Project site has an unpaved walkway. The existing building is visible from the eastern creek trail and from the upper floors of the residences east of the creek channel. The residential neighborhood is comprised of multi - family apartments and townhouses and single-family homes. Dixon Landing Park is a well maintained 11-acre park with tennis courts, baseball diamonds, barbeque pits and picnic tables, a basketball hoop, play equipment and a parking lot; the facility serves the residential neighborhood.

Impact Analysis

Scenic Vistas

> **Aesthetics-1**: The Project would not have a substantial adverse effect on a scenic vista. (**Less than Significant**)

The City of Milpitas General Plan identifies hilltops, hillsides, and ridgelines within Ed Levin Park as scenic resources. These designated scenic areas are far to the east, but still visible from the Project site. The hillside panorama that forms the backdrop of the valley floor is very wide and high. No aspect of the proposed townhouse Project would obstruct views to the eastern hillsides and ridgelines. The Project would not block views of any designated scenic vistas or scenic resources off-site.

Scenic Resources

> **Aesthetics-2**: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

There are no designated scenic resources such as trees, rock outcroppings or historic buildings on the Project site and I-880 and I-680 are not designated state scenic highways. Implementation of the Project would not damage scenic resources or historic buildings.

Visual Character and Quality

> **Aesthetics-3**: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (**Less than Significant**)

Implementation of the proposed Project would result in the demolition of the existing 120,500 square foot light industrial building and construction of 148 three-story single-family townhouse-type residences. The height of the proposed townhouses would be comparable to the height of the existing industrial building, although the Project would raise the base elevation of the site by approximately 3 feet to bring it out of the flood plain.

In terms of architectural style, the proposed residences would be comparable to the residential neighborhoods to the east of Lower Penitencia Creek, and those homes immediately to the north of the site at the Waterstone project site. While the residential character of the proposed Project would be in contrast to the light industrial buildings immediately to the west, the change would not degrade the existing visual character or quality of the site or its surroundings and would be similar to the other recent development (see **Figures 6 and 7**).

Figure 6
Perspective, View of Proposed Project from California Circle

Source: KTGY Group, Inc. (August 18, 2014)

Figure 7
Perspective, View of Proposed Project from Penitencia Creek

Source: KTGY Group, Inc. (August 18, 2014

Light and Glare

> **Aesthetics-4**: The Project could create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (**Less than Significant with Mitigation**)

The proposed Project would include outdoor lighting on the site, along walkways and interior streets. Outside lighting would be comparable in brightness to the ambient lighting in the surrounding area.

Mitigation Measures

> **Mitigation Aesthetics-4: Standard Lighting Design Requirements**. The Project would undergo architectural and site design review by Planning staff prior to issuance of building permits to ensure that the Project would not adversely affect the visual quality of the area or create a substantial new source of light or glare for residences to the north or east. Typical design requirements include directional and/or shielded lights to minimize the brightness and or glare of the lights on light sensitive uses including the creek and nearby residences. City review would ensure that lighting would not adversely affect the visual quality of the area or create a substantial new source of light or glare for the creek, nearby residences, or for cars traveling on I-880

With implementation of these standard mitigation requirements, the effect of the Project relative to new sources of light or glare would be reduced to less than significant**.**

II. AGRICULTURAL AND FOREST RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1, 2, 4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 2, 8
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	☐	☐	☐	☒	1, 2, 8, 16
4) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	16
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 16

Environmental Setting

The Project site is surrounded by existing urban development including light industrial/R&D, commercial and residential buildings and land uses. There is no designated farmland adjacent to the site and the site is not subject to a Williamson Act contract. The site is not forested and no forest or agricultural resources are located on or near the Project site.

Agriculture and Forest Resources

Agriculture-1-5: The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; would not conflict with existing zoning for agricultural use; would not conflict with existing zoning for forest land; would not result in the loss of forest land or conversion of forest land; and would not involve any changes that could result in conversion of farmland or forest land to non-agricultural use. (**No Impact**)

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
	Potentially Significant Impact (Table Heading)	**Less Than Significant With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**	**Information Source(s)**
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan? (Table Text Left)	☐	☐	☒	☐	1, 10, B
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	1, 10, B
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?	☐	☐	☒	☐	10, B
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, B
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1, B

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Illingworth & Rodkin, Inc., *1210 California Circle, Draft Air Quality and GHG Emissions Assessment*, July 24, 2014

Environmental Setting

Milpitas is located in the southern portion of the San Francisco Bay Area Air Basin. The proximity of this location to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Northwest 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 Santa Clara, particularly during the summer months.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM10) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM2.5). Elevated concentrations of PM10 and PM2.5 are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and Federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the region. At the State level, CARB (a part of the California Environmental Protection Agency) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has published CEQA Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects.

Significance Thresholds

In accordance with State CEQA guidelines, in the absence of specific local government or agency thresholds, lead agencies must make significance determinations based on the substantial evidence in the record for each project. The City of Milpitas has determined that there is substantial evidence to support

BAAQMD's analysis as to the levels of pollutants that should be deemed significant, and the thresholds that the City should use in assessing whether the Project will have any health risk impact on the existing environment. Therefore, the City has determined that it will apply the thresholds of significance in the updated BAAQMD CEQA Guidelines ("City-applied BAAQMD standards"). These City-applied air quality thresholds include:

- During project construction result in average daily emissions of 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10.
- During project operation result in average daily emissions of 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10; or result in maximum annual emissions of 10 tons per year of ROG, NOx, or PM2.5 or 15 tons per year of PM10.
- During either project operation or project construction of a new source or a new receptor, expose persons to substantial levels of Toxic Air Contaminants (TACs) resulting in:
    - a cancer risk level greater than 10 in one million,
    - a non-cancer risk (chronic or acute) hazard index greater than 1.0, or
    - an increase of greater than 0.3 micrograms per cubic meter of annual average PM2.5.
- During either project operation or project construction of a new source or a new receptor, expose persons to substantial levels of TACs resulting in a cumulative cancer risk level greater than 100 in a million, a cumulative non-cancer risk (chronic or acute) hazard index greater than 10.0, or a cumulative increase of greater than 0.8 micrograms per cubic meter of annual average PM2.5.
- If a project exceeds the identified project-level significance thresholds, its emissions would also be cumulatively considerable.

Impact Analysis

Conflict with the Applicable Air Quality Plan

> **Air Quality-1:** The Project would not conflict with or obstruct implementation of the applicable air quality plan. (**Less than Significant)**

The most recent clean air plan is the Bay Area 2010 Clean Air Plan (CAP) that was adopted by BAAQMD in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to toxic air contaminants (TACs), and reducing greenhouse gas (GHG) emissions such that the region can meet state adopted goals of reducing emissions to 1990 levels by 2020.

The Project would not conflict with the latest Clean Air planning efforts since:

- the Project would have emissions well below the BAAQMD thresholds (see Impact 2),
- development of the Project site would be considered urban infill,
- development would occur near employment centers, and
- development would be near existing transit with regional connections.

The Project, with 148 proposed units is too small to exceed any of the significance thresholds and is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

Violate an Air Quality Standard

As stated in the Illingworth & Rodkin report, the Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM2.5) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM10) under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM10, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM10 and PM2.5 and apply to both construction period and operational period impacts.

Construction Period Emissions

> **Air Quality-2A:** The Project could result in air quality and fugitive dust-related impacts associated with grading and new construction, but these impacts would be reduced with implementation of Best Management Practices as required of all projects. (**Less than Significant with Mitigation**)

The Air Quality study for the Project used the California Emissions Estimator Model (CalEEMod) Version 2013.2.2 to prepare a quantitative estimate of construction-related emissions, including both on-site and off-site construction activities. The analysis uses inputs specific to the proposed Project, including an overly conservative assumption that, whereas the Project is proposed to have 148 dwelling units, the analysis assumes a maximum of 170 units.[1]

Based on information from the Project applicant, the modeling assumes that the Project would be built out over a period of approximately 38 months beginning in April 2015. As shown below in **Table 1**, the modeling results show that predicted emissions would not exceed BAAQMD significance thresholds.

Table 1: Construction Period Emissions

Scenario	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Construction emissions (tons)	2.22 tons	8.46 tons	0.50 tons	0.47 tons
Avg. daily emissions (pounds)[1]	5.3 lbs.	20.2 lbs.	1.2 lbs.	1.1 lbs.
BAAQMD Thresholds (pounds per day)	54 lbs.	54 lbs.	82 lbs.	54 lbs.
Exceed Threshold?	No	No	No	No

Notes:
1 Assumes 836 workdays.
Source: Illingworth & Rodkin,

Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of PM10 and PM2.5. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude

[1] *Attachment 1* to the Illingworth & Rodkin study presents the CalEEMod input and output values for construction emissions.

of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Mitigation Measures

The BAAQMD CEQA Guidelines consider these impacts to be less than significant if Best Management Practices are employed to reduce these emissions.

> **Mitigation Measure AQ-2A: Measures to Control Dust Emissions**. The contractor shall implement the following Best Management Practices that are required of all projects:
>
> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> 4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
> 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible, as well, after grading unless seeding or soil binders are used.
> 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
> 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
> 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of the above mitigation measures would reduce the air quality and fugitive dust-related impacts associated with grading and new construction to a less than significant level.

Operational Emissions

> **Air Quality-2B:** The Project would not result in potentially significant operational air quality impacts. (**Less than Significant**)

The BAAQMD CEQA Guidelines include screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant operational air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant need not perform a detailed air quality assessment of the project's operational air pollutant emissions, and impacts are deemed less-than-significant. For townhome developments, those projects that include more than 451 dwelling units are deemed to have the potential to result in significant operational impacts related to criteria pollutants.[2] The Project, which consists of

[2] BAAQMD Guidelines, Table 3-1

148 residential townhome units, is below the applicable screening level size specified in the BAAQMD screening criteria. The Project does not exceed the BAAQMD screening criteria for operational impacts related to criteria pollutants, and its impacts would be less than significant.

Considerable Net Increase of any Criteria Pollutant

> **Air Quality-3:** The Project would not 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. (**Less than Significant**)

The Project would be below BAAQMD screening criteria thresholds for impacts related to ozone and particulate matter. Therefore, the Project would not contribute substantially to existing or projected violations of those standards.

Carbon monoxide emissions from traffic generated by the Project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. There is an ambient air quality monitoring station in San Jose that measures carbon monoxide concentrations. The highest measured level over any 8-hour averaging period during the last 3 years is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. The Project would generate a relatively small amount of traffic (less than 100 trips during the busiest hour). Intersections affected by the Project would have traffic volumes less than the BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.

Expose Sensitive Receptors to Substantial Pollutant Concentrations

Operational Emissions

As stated in the Illingworth report, operation of the Project (as a standard residential development) is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels.

Construction Emissions

> **Air Quality-4:** During construction of the Project, construction-period diesel exhaust could pose both a potential health and nuisance impact to nearby receptors, but this effect would be reduced through implementation of recommended mitigation measures. (**Less than Significant with Mitigation**)

A health risk assessment of the Project's construction activities was conducted by Illingworth & Rodkin that evaluated potential health effects on sensitive receptors at nearby residences from construction emissions of diesel particulate matter (DPM). A dispersion model was used to predict the off-site DPM concentrations resulting from Project construction so that lifetime cancer risks could be predicted.

Results of the assessment indicate that with respect to emission of DPM during construction, the incremental child cancer risk at the maximally exposed individual (MEI) receptor (see **Figure 8**) would be 10.3 in one million, and the adult incremental cancer risk would be 0.6 in one million.

While the increased cancer risk for an adult, exposure would be lower than the significance threshold of a cancer risk of 10 in one million, the child exposure would be higher than the significance threshold and would be considered a significant impact requiring mitigation.

Figure 8
Location of Maximum Exposed Receptor to a Construction Period Toxic Air Contaminant Emission

Source: Illingworth & Rodkin (July 24, 2014)

Mitigation Measures

> **Mitigation Measure AQ-4:** Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:
>
> 1. All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and
> 2. Minimize the number of hours that equipment will operate, including the use of idling restrictions.

Implementation of Mitigation Measure AQ-2 would reduce on-site diesel exhaust emissions by approximately 50 percent and, taken together with the reduced effects of exhaust emissions as a result of Mitigation Measure AQ-1, the child cancer risk would be reduced to 5.2 in one million which is below the 10 in one million threshold. Therefore, with mitigation, the Project would have a less-than-significant impact with respect to community risk caused by construction activities

Health Effects on Future Residents of the Project

CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes the following potential effects of the environment on the Project (i.e. siting new sensitive receptors near existing TAC sources) in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, project-specific recommendations are identified to address these issues. Thresholds used in this analysis consider the level of exposure of sensitive receptors to air pollutant levels that result in an unacceptable cancer risk or hazard. For cancer risk, which is a concern with diesel particulate matter and other mobile-source TACs, the thresholds considers an increased risk of contracting cancer that is 10 in one million chances or greater to be significant for a single source, and exposure to annual PM2.5 concentrations that exceed 0.3 micrograms per cubic meter (ug/m3) to be significant.

When the Project is fully built out and occupied, future residents will be sensitive receptors, exposed to ambient levels of toxic air contaminants (TACs) generated by vehicles travelling on the nearby I-880 freeway and other existing stationary sources. The Illingworth & Rodkin study analyzed the potential health effects (i.e., cancer risk) of age-sensitive individuals (i.e., the very old and the very young) associated with exposure to TACs and found:

- The maximum increased cancer risk was computed at 8.6 in one million for someone in a townhouse closest to I-880 (see **Figure 9**), and concluded that cancer risks at other locations within the Project site (farther from I-880), would be lower than the maximum risk. The maximum increased cancer risk was found to be below the threshold of 10 in one million.
- Potential non-cancer health effects due to chronic exposure to DPM were also evaluated and found to result in a Health Index (HI) rating of 0.004, which is much lower than the significance criteria of a HI of 1.0.
- Potential non-cancer health effects due to PM2.5 concentration were also assessed, and compared to the significance threshold of an annual average PM2.5 concentration greater than 0.3 micrograms per cubic meter (μg/m3). The modeling results indicate that the maximum average annual concentration from I-880 traffic would be 0.16 μg/m3, is below the PM2.5 concentration threshold.

Based on this analysis, the health effects on future residents associated with ambient air quality emissions would be below all applicable thresholds.

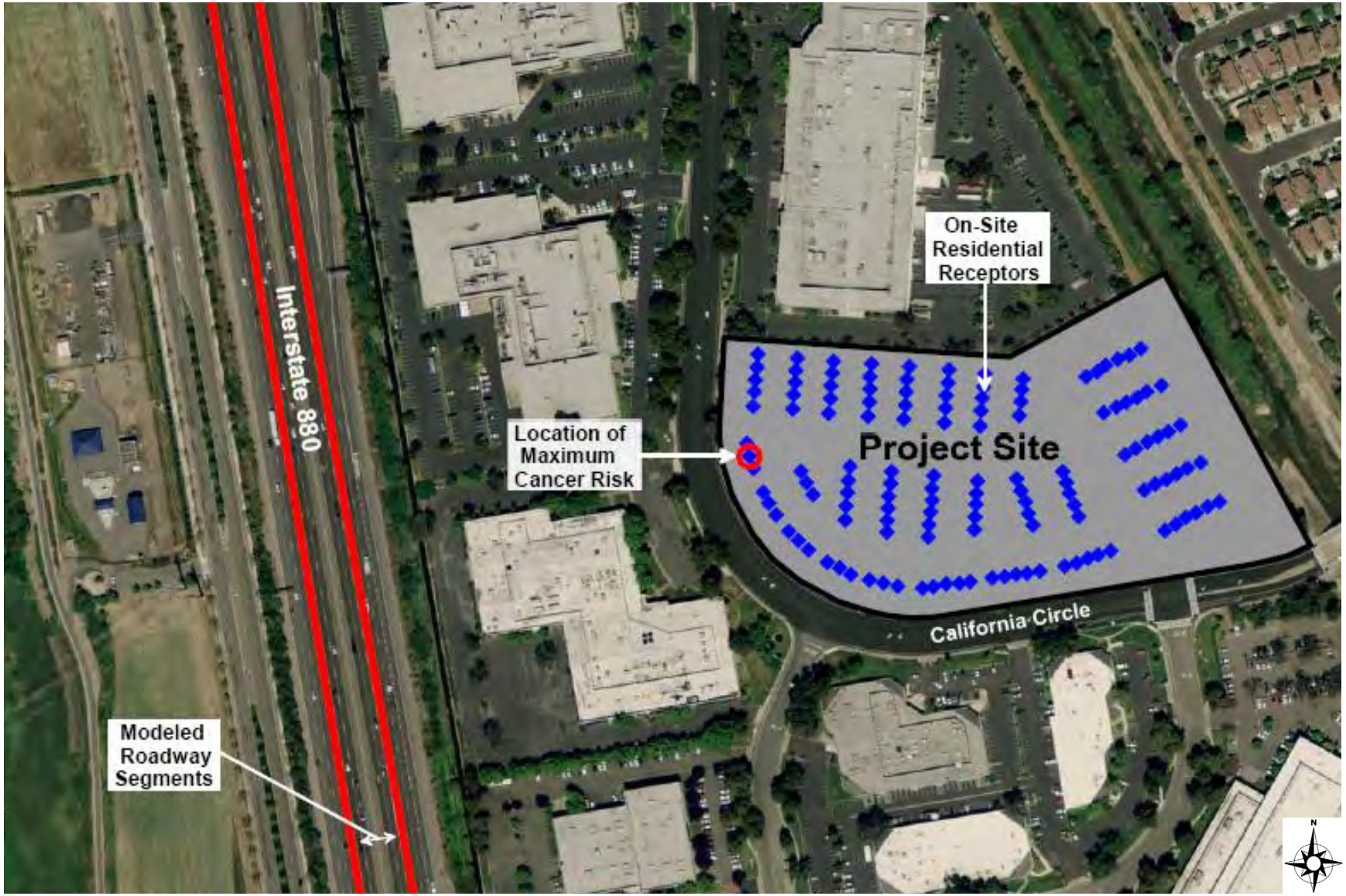

Figure 9
Maximum Exposed Onsite Receptor to Ambient
Toxic Air Contaminant Emissions

Source: Illingworth & Rodkin (July 24, 2014)

Odors

Air Quality-5: The Project would not create objectionable odors affecting a substantial number of people. (**No Impact**)

Odors Generated by the Project

The Project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity which would be noticeable from time to time by adjacent receptors, but would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints.

Exposure of Future Project Residents to Odors from Nearby Sources

CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes the following potential effects of the environment on the Project (i.e. siting new sensitive receptors near existing TAC sources) in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the Project is identified, project-specific recommendations are identified to address these issues.

Typical sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. The Project site is located near several such sources of odors including the Newby Island Landfill and Compost Facility, the Zanker Road Landfill and Compost Facility, and the San Jose/Santa Clara Water Pollution Control Plant (WPCP). These land uses have been identified as the source of frequent odor complaints.

Recommendations

Although not required to mitigate a significant effect of the Project, the following recommendation is suggested to inform future occupants of the Project that nearby land uses are sources of adverse odors that some in the area consider objectionable and that have been the subject of numerous complaints.

Recommendation AQ-5: Notice to Future Residents. All future residents of the Project shall be notified in writing of possible odor impacts as part of buyer disclosures or lease/rental agreements. Included shall be information pertaining to the location and distance of nearby odor sources, BAAQMD screening buffers distances, types of odor that each source may produce, and the best and most recent information about confirmed odor complaints in the Project vicinity.

With implementation of Recommendation AQ-5, future residents can exercise informed consent to either accept the potential odors or decide not to become a resident of the Project. Recommendation AQ-5 would not remove the odor sources but would likely reduce the probability that future residences would be surprised should they find odor sources present.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1, 4, C
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, 4, C
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, 4, C
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?	☐	☐	☒	☐	1,4, C
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	1, 4, 8, C

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1, 4, C

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Live Oak Associates, Inc., (LOA) 1210 *California Circle Biological Evaluation*, July 14, 2014

Environmental Setting

The Project site is currently developed with a light industrial/office/R&D buildings and surrounding surface parking lots and landscaping. The surrounding area is comprised of similar light industrial and/or commercial uses, in a suburban mixed-use business park setting. Existing biological resources on-site are limited to landscaping. However, the eastern edge of the Project site is adjacent to Lower Penitencia Creek which is habitat for a number of plant and wildlife species.

The LOA report states that the Project site and surrounding study area supports two biotic habitats that provide some biological habitat value for certain species. The two habitats are "Developed" and "Riparian/Wetland" (**see Figure 10**). The developed area of the site is the largest habitat type onsite and consists of two large commercial buildings and large parking lot areas which create a non-porous surface from which rainwater would flow to the margins of the asphalt. Vegetation within the developed area consists primarily of ornamental landscape groundcovers, shrubs and trees. Developed lands provide limited habitat for locally occurring wildlife species. However, species using the riparian corridor of Lower Penitencia Creek may use the developed area of the site from time to time. The density of developed lands on the site and in the vicinity reduces the value of the foraging habitat for wildlife and precludes some of the species that might otherwise occur in more natural areas in the site vicinity from utilizing these developed areas for breeding habitat.

The Riparian/Wetland habitat exists alongside Lower Penitencia Creek to the east of the Project site. A graveled walking trail and channel maintenance access road within the Santa Clara Valley Water District easement separates this habitat type from the Developed habitat type. This stretch of Lower Penitencia Creek has been altered and now flows in an engineered channel which is more than 200 feet wide, consisting of two low flow channels separated by a center raised area which likely is inundated during high flow events. No development is proposed to occur within/over this wetland/riparian habitat. During the June 2014 site visit, both low flow channels were inundated, while the elevated area in the central portion of the creek was dry.

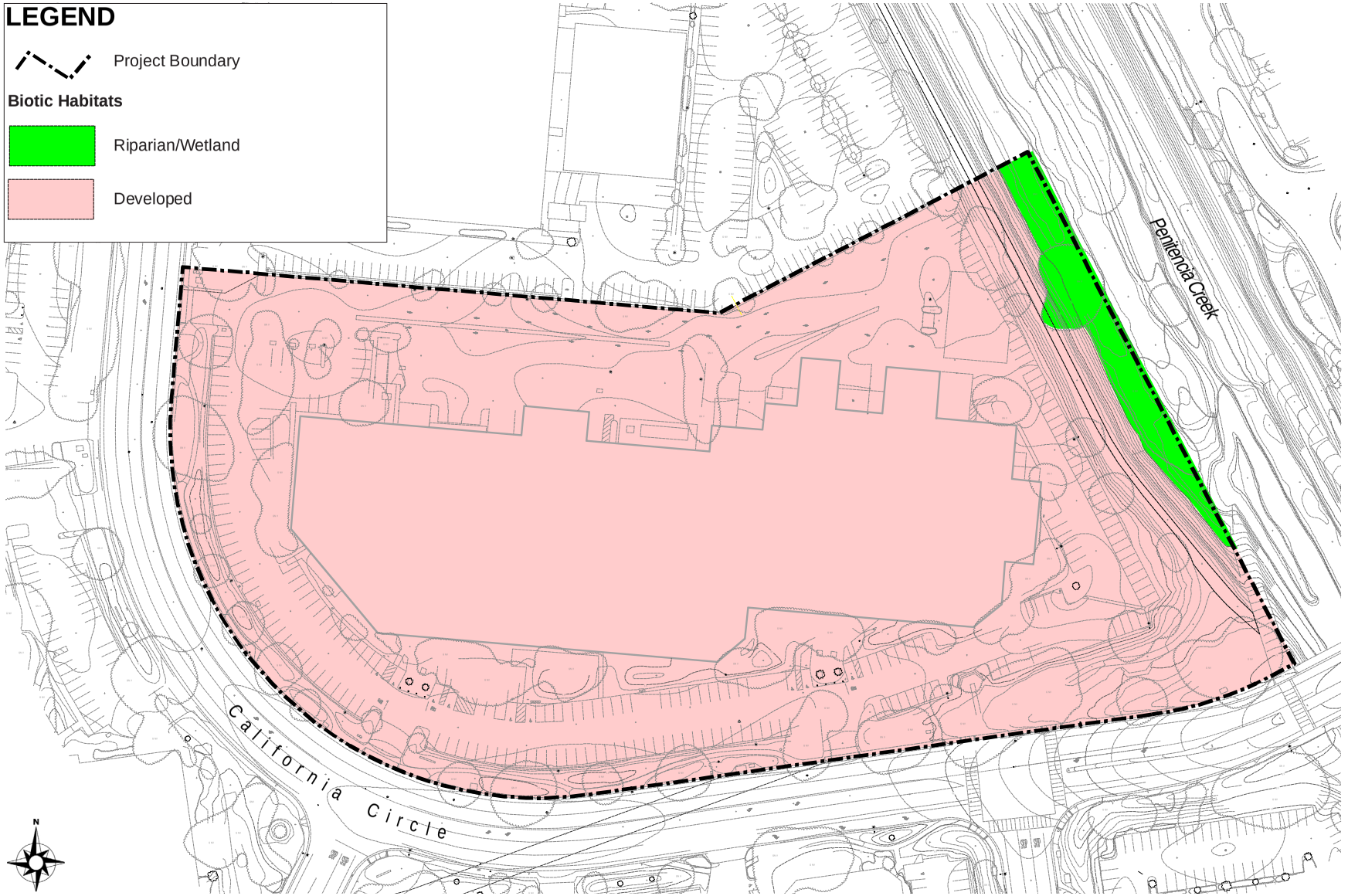

Figure 10
Biotic Habitats at Project Site

Source: Live Oak Associates (July 19, 2014)

Impact Analysis

Sensitive Plant and Animal Species

> **Bio-1**: The Project would not adversely affect special status plants, but could have a substantial adverse effect, either directly or through habitat modifications, on animal species identified as a candidate, sensitive, or special status species. These effects would be reduced through implementation of mitigation measures recommended for the Project (**Less than Significant with Mitigation**)

The LOA biological survey found that, whereas several special status vascular plant species are known to occur or to once have occurred in the vicinity of the Project site (see **Figure 11**), all of these species are now considered to be absent from the site. Site development would have no effect on regional populations of these plant species, since the site provides no habitat for special status plants.

The LOA study also found that 21 out of 28 special status animal species known to occur or to have once occurred at or near the Project site would be absent or unlikely to occur on the site due to a lack of suitable habitat. The remaining seven special status animal species potentially occur more frequently as regular foragers, transients, or may be resident to the site, but none were observed on the site during the LOA site visit in June 2014. The incremental small loss of foraging habitat for these species and loss of potential breeding habitat for bird species is considered a less than significant impact.

The LOA study identified a potentially significant impact to western pond turtles. The concern is that construction activities could result in temporary disturbance in the form of noise, erosion, construction debris inadvertently getting into the creek.

No Western Burrowing Owls or suitable breeding habitat was observed by LOA on their June 2014 site visit. However, LOA advises that there could be a shift in the present distribution of this species in the future or they may overwinter and/or breed on suitable sites in the Milpitas region. However speculative this may be, LOA points out that if a burrowing owl were to nest or overwinter in the proposed development area prior to the start of construction, construction activities could result in the abandonment of active nests or direct harm, injury or death to these birds. Construction activities that adversely affect the nesting success or result in mortality of individual owls would be considered a significant impact to individual owls.

Mitigation Measures

To address these potential effects to sensitive animal species, the following mitigation measures are recommended:

> **Mitigation Measure Bio-1A:** The Project shall implement the following avoidance, minimization, and compensation measures prior to and during construction of the Project:

1. Prior to the start of construction, a qualified biologist should train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.
2. Pre-construction surveys should be conducted to ensure that western pond turtles (WPT) and nesting birds are absent from the construction area. If an active bird nest is observed, then an appropriate construction-free buffer will be established by a qualified biologist. If WPT are present, a qualified biologist possessing all necessary permits should relocate them.
3. Silt fencing and appropriate erosion control shall be in place separating the riparian system in Lower Penitencia Creek from the area impacted by construction prior to construction activities. This silt fencing may act as a barrier to keep WPT from entering the area of construction, and will ensure that the creek is not adversely affected by addition of silt/sediment into the creek during construction.

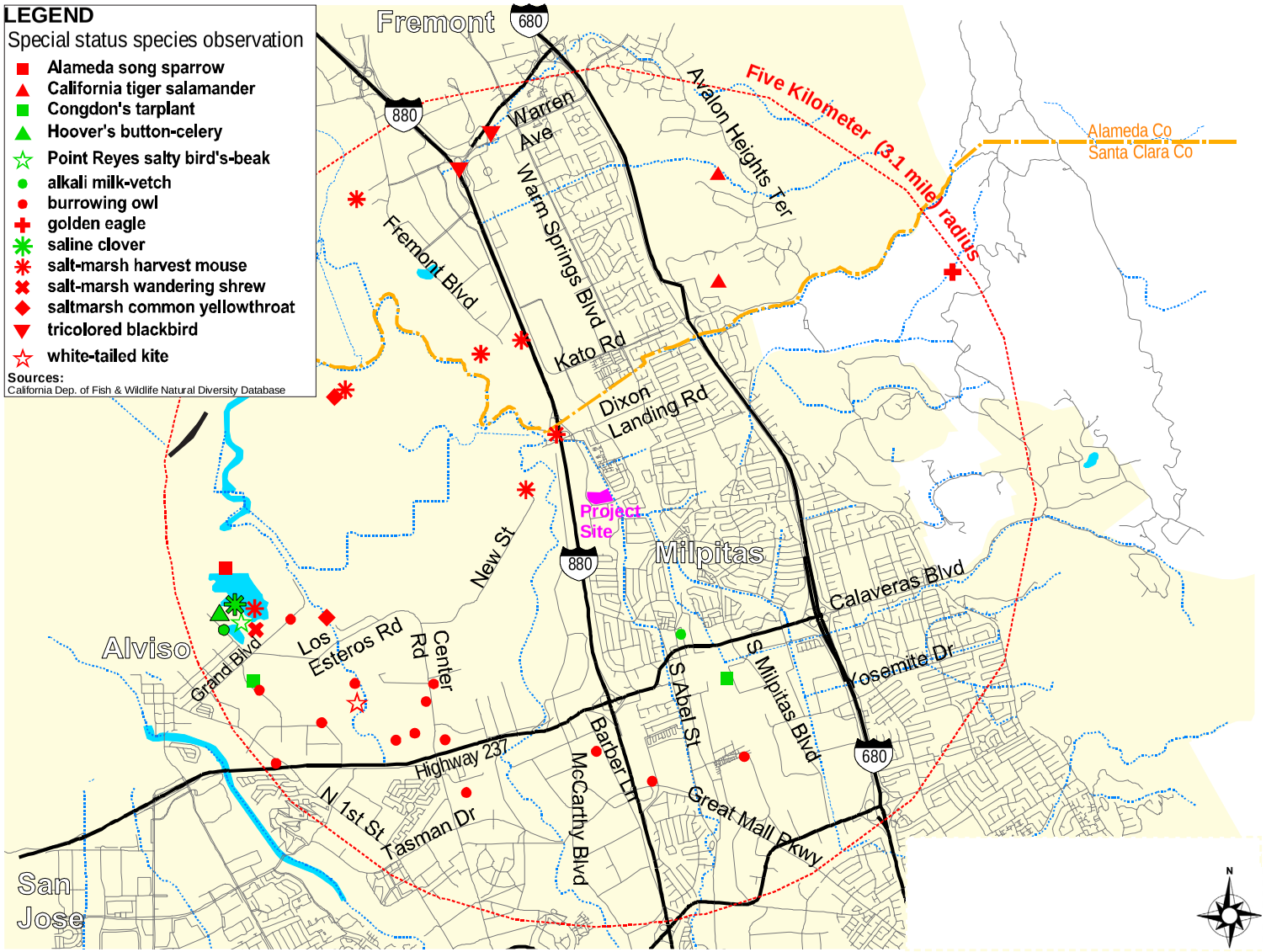

Figure 11
Special Status Species in Vicinity

Source: Live Oak Associates (July 9, 2014)

Mitigation Measure Bio-1B: Pre-construction Nesting Bird Surveys. To the maximum extent practicable, any trees planned for removal should be removed during the non-breeding season (September 1 through January 31).

1. If it is not possible to avoid tree removal or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 ft. of the footprint, if such disturbance will occur during the breeding season. This survey should be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).
2. If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.
3. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.

Implementation of the above measures would mitigate impacts to tree-nesting raptors and other migratory birds to a less-than significant level.

Mitigation Measure Bio-1C. Mitigation for potential impacts to the Western Burrowing Owl shall include the following measures:

1. In order to avoid impacts to active burrowing owl nests, a qualified biologist should conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 30 days prior to the onset of ground disturbance. These surveys should be conducted in a manner consistent with accepted burrowing owl survey protocols. If pre-construction surveys determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then a passive relocation effort (e.g., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction. Once it has been determined that owls have vacated the site, the burrows can be collapsed, and ground disturbance can proceed.
2. If burrowing owls are detected within the construction footprint or immediately adjacent lands (i.e., within 250 feet of the footprint) during the breeding season (February 1 through August 31), a construction-free buffer of 250 feet should be established around all active owl nests. The buffer area should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls by a qualified biologist may take place.

With implementation of Mitigation Measures Bio-1A through Bio-1C, potential impacts to sensitive species would be reduced to a less than significant level.

Riparian Habitat or Other Sensitive Natural Community

> **Bio-2:** The Project would not 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. (**Less than Significant**)

The only onsite biotic habitat that is considered sensitive is Lower Penitencia Creek and its associated Riparian/Wetland Habitat. This habitat would not be impacted by construction of the Project, and only provides low quality habitat for most species. Therefore, any loss of this habitat resulting from the proposed Project would constitute a less-than-significant impact.

Wetlands

> **Bio-3:** The Project would not 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. **(Less than Significant)**

The LOA report found that construction of the Project within the footprint of already developed areas of the site would not result in impacts to sensitive riparian habitats or regulated waters of the U.S. and state. Demolition of onsite buildings and construction of the proposed Project would result in a less-than-significant impact to wetlands and other jurisdictional waters. No mitigation is required.

Wildlife Movement or Nursery Sites

> **Bio-4**: The Project would not 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. (**Less than Significant**)

The developed portion of the site does not act as a movement corridor. Lower Penitencia Creek facilitates the movement of wildlife through the region, from the San Francisco Bay, inland. However, the surrounding land uses are highly developed and the Project site does not function as an important movement corridor for native wildlife except those wildlife requiring creek or riparian habitat for movement, such as the western pond turtle. As the Project would not impact the creek, impacts to western pond turtle movement are less-than-significant. Site development is not expected to have a significant effect on home range and dispersal movements of native wildlife that may occur in the region. Therefore, the Project would result in a less-than significant impact on the movements of native wildlife.

Conflict with any Local Policies or Ordinances Protecting Biological Resource

> **Bio-5**: With implementation of required compliance with City of Milpitas mitigation requirements for protected trees, the Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Compliance with the Tree Ordinance would reduce potential impacts to a less-than-significant level. (**Less than Significant with Mitigation**)

Based on information provided in the Arborist report, the Project site, including the portion of the site located within the SCVWD easement along Penitencia Creek, includes a total of 86 trees. Of these, 65 are "protected" trees (i.e., in this case, trees with a circumference of 37 inches or greater when measured 4 ½ feet from ground level, as specified in section X-2-7.01 of the City of Milpitas Municipal Code) . Of the 65 protected trees, 56 are located on the portion of the site proposed for development, and 9 are located within the SCVWD easement.

The Project would remove 55 of the protected trees located within the portion of the site proposed for development and 5 protected trees located within the SCVWD easement area, for a total of 60 protected trees to be removed. The 1 protected tree on the development site to be preserved is located near the intersection of California Circle and Fairview Lane in the proposed park. The 5 protected trees to be removed within the easement area are required to be removed based on the needs of the SCVWD flood protection improvement project. The Project would also remove all non-protected trees. In sum, 81 trees would be removed, 5 would be retained.

The City of Milpitas' Tree Ordinance (Milpitas Municipal Code section X-2-7.01) requires a permit issued by the Public Works Department prior to the removal of protected trees. The Public Works Department may determine that a tree authorized for removal be replaced through compensation methods.

As proposed, the Project would provide for the planting of up to 285 new trees, including 90 large shade trees, nearly 100 accent trees, plus 95 smaller accent trees within the new development (**see Figure 12**). These new trees would result in the replacement of lost protected trees at a ratio of over 4.6 new trees per removed protected tree.

Mitigation Measures

To address the tree removal impacts of the Project, the following mitigation measure is recommended:

> **Mitigation Bio-5: Tree Replacement.** Any trees removed for the Project that meet the protected tree criteria of the Municipal Code shall require appropriate tree replacement compensation as determined by the City, including conditions of approval regarding number of replacement trees, species type and size.

Compliance with the Milpitas Tree Ordinance requirements would reduce potential impacts to a less-than-significant level.

Conflict with HCP

> **Bio-6:** The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant)**

Currently there is no adopted Habitat Conservation Plan that covers the Project site. The site is outside the limits of the Santa Clara Habitat Conservation Plan (SCVHP). However, the site is within the Expanded Study Area for Burrowing Owl Conservation, where the SCVHP aims to acquire suitable habitat for burrowing owls. As indicated above, the Project site does not provide suitable breeding habitat for western burrowing owls.

Figure 12
Project's Conceptual Landscape Plan

Source: KTGY Group (August 18, 2014)

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	1, 4, D
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	1, 4, D
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1, 4, 11, D
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	1, 4

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Northwest Information Center, California Historical Resources Information System, *Letter Re: Record Search Results for the Proposed 1210 California Circle Project*, July 28, 2014

Additional information has been obtained from the Initial Study/EIR for the adjacent *Waterstone Residential Project*, which relied on a cultural resources report prepared by Holman & Associates prepared in January 2013. The Holman report is also on file at the Milpitas Planning Department.

Environmental Setting

The City of Milpitas was once part of the territory occupied by the Ohlone Indians. Two notable Native American village sites lie within the City limits, a shellmound dating to the 18th century located near Elmwood Rehabilitation Center, and the Alviso Adobe located near the corner of Calaveras Boulevard and Piedmont Road.

During the historic period, in 1769, the City of Milpitas was included in the route of the Gaspar de Portola expedition. The area was also a stopover point on the immigrant trail between Sutter's Fort and San José during the 1800s.

Although existing conditions at the Project site do not suggest the presence of subsurface historic or prehistoric resources, the site is located in a culturally sensitive area due to known prehistoric and historic occupation of Milpitas and the site's close proximity to Penitencia Creek. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley settlements were often established near local waterways. The eastern edge of the Project site is adjacent to Lower Penitencia Creek, which suggests the potential for subsurface artifacts to be located on the Project site. Human

remains and former villages have been found along former meanders of Penitencia Creek a mile or more to the southeast of the Project site.

An archeological literature review was completed at the Northwest Information Center (NWIC) at Sonoma State University to determine if any known resources are located on or within a quarter mile of the Project site. The July 27, 2014 letter from the NWIC states that, although there have been three prior cultural resource studies of the area that includes the Project site, none have identified archaeological resources. No archaeological materials have been found on the ground surface or during subsequent development projects. Further, a data search through the files at the State Office of Historic Preservation Historic Property Directory and a review of NWIC base maps indicates that there are no recorded buildings or structures within the proposed Project area that would be considered historic resources.[3]

Impact Analysis

Historical Resource

> **Cultural-1**: The Project will not cause a substantial adverse change in the significance of an historical resource as defined in §15064.5. **(No Impact)**

There are no historic structures on or immediately adjacent to the Project site. Therefore, implementation of the proposed Project would have no impact on any designated historic structures.

Archaeological Resource or Human Remains

> **Cultural-2**: The Project is not expected to cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 or disturb any human remains, including those interred outside of formal cemeteries, but mitigation measures would reduce impacts related to the unlikely event that subsurface artifacts are uncovered during grading activities. (**Less than Significant with Mitigation**)

While the Project site is located near a local waterway and Milpitas was known to be occupied during the prehistoric and historic eras, previous studies and prior development on the Project site and in the surrounding business park have failed to generate reports of any archaeological finds. As a result, and consistent with the conclusion of the archaeological review by *Holman*, demolition of the existing building and construction of the Project would have no impact on subsurface prehistoric archaeological resources. Consistent with this assessment, no archaeological monitoring or pre-construction testing is required. Further, given that the site is presently occupied by a building and most of the site is paved as a surface parking lot, conducting a site survey by a qualified archaeologist is not considered practical or warranted in light of the preponderance of previous cultural resource assessments.

Mitigation Measures

In the unlikely event that subsurface artifacts are uncovered during grading activities, the following mitigation measures are recommended:

[3] NWIC Letter dated July 27, 2014

Mitigation Measure Cultural-2A. In the event that prehistoric or historic resources are encountered during excavation and/or grading, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Neighborhood Services will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Neighborhood Services.

Mitigation Measure Cultural-2B. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

Implementation of the Mitigation Measures Cultural-1 and -2 would adequately mitigate for any unlikely discovery of subsurface cultural resources or human remains, and the impact would be less than significant.

Paleontological Resources

Cultural-3: The Project would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. **(Less than Significant Impact)**

The Holman report prepared for the nearby Waterstone Project assessed the potential for encountering paleontological resources and concluded the following:

> "Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Excavation on-site would not exceed 10 feet in depth and it is improbable that paleontological resources would be discovered on-site due to the distance of the site from the Bay and because no paleontological resources have been discovered in this area of Milpitas."[4]

Based on conclusions by Holman for the immediately adjacent Waterstone site, it is highly unlikely that impacts to paleontological resources would occur as a result of Project implementation.

[4] Holman and Associates, *Cultural Resources Investigation, Waterstone Residential Project*, January 2013

VI. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1, 11, E
b) Strong seismic ground shaking?	☐	☒	☐	☐	1, 11, E
c) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐	1, 11, E
d) Landslides?	☐	☐	☐	☒	1,16,E
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 11, E, G
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, 11, E
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, 11, E
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, 11, E

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- ENGEO, Inc., *Geotechnical Exploration Report for 1210 California Circle, Milpitas, California*, August 15, 2014
- ENGEO, Inc., *Phase I Environmental Site Assessment, 1210 California Circle, Milpitas, California*, July 24, 2014

The conclusion of these reports (as discussed below) is that, from a geologic and geotechnical standpoint the Project site appears to be suitable for the proposed residential development. The main geologic/geotechnical issues at this site include potential seismic-induced settlement, potential liquefaction-induced surface rupture (sand boils), risk of lateral deformation along Penitencia Creek, presence of soft compressible clays on the western portion of site, undocumented existing fills, expansive near-surface soils, and presence of relatively shallow groundwater (see Hydrology section of this Initial Study) .

Environmental Setting

The Project site is located at the northern end of the Santa Clara Valley, a relatively flat alluvial plain, 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. There are no unique geologic features on the Project site. The eastern edge of the site is adjacent to Lower Penitencia Creek, an unsupported creek bank with levees on both sides.

Based on regional geologic mapping, the soils underlying the Project are Holocene-age alluvial floodplain deposits (Qhfp) generally consisting of sandy to silty clay.

Faulting and Seismicity

The Project site is not located within a State of California Earthquake Fault Hazard Zone (1982) and no known faults cross the site. Nearby active[5] common faults include the Hayward-Rodgers Creek fault, located approximately 3.1 miles east of the site; the Calaveras fault, located approximately 5.7 miles east of the site; the Monte Vista-Shannon fault, located approximately 12.9 miles southwest of the site; the San Andreas fault, located approximately 16.2 miles west of the site; and the Greenville fault, located approximately 20.0 miles east of the site (see **Figure 13**).

An unnamed extension of the Silver Creek fault, located approximately 1.4 miles west of the site, is listed on the USGS fault database (2010) as a quaternary aged fault (evidence of movement in the past 1.6 million years), and as such is considered potentially active.

Because of the presence of nearby active faults, the Bay Area Region is considered seismically active. Numerous small earthquakes occur every year in the region, and large (>M7) earthquakes have been recorded and can be expected to occur in the future.

[5] An active fault is defined by the State Mining and Geology Board as one that has had surface displacement within Holocene time (about the last 11,000 years)

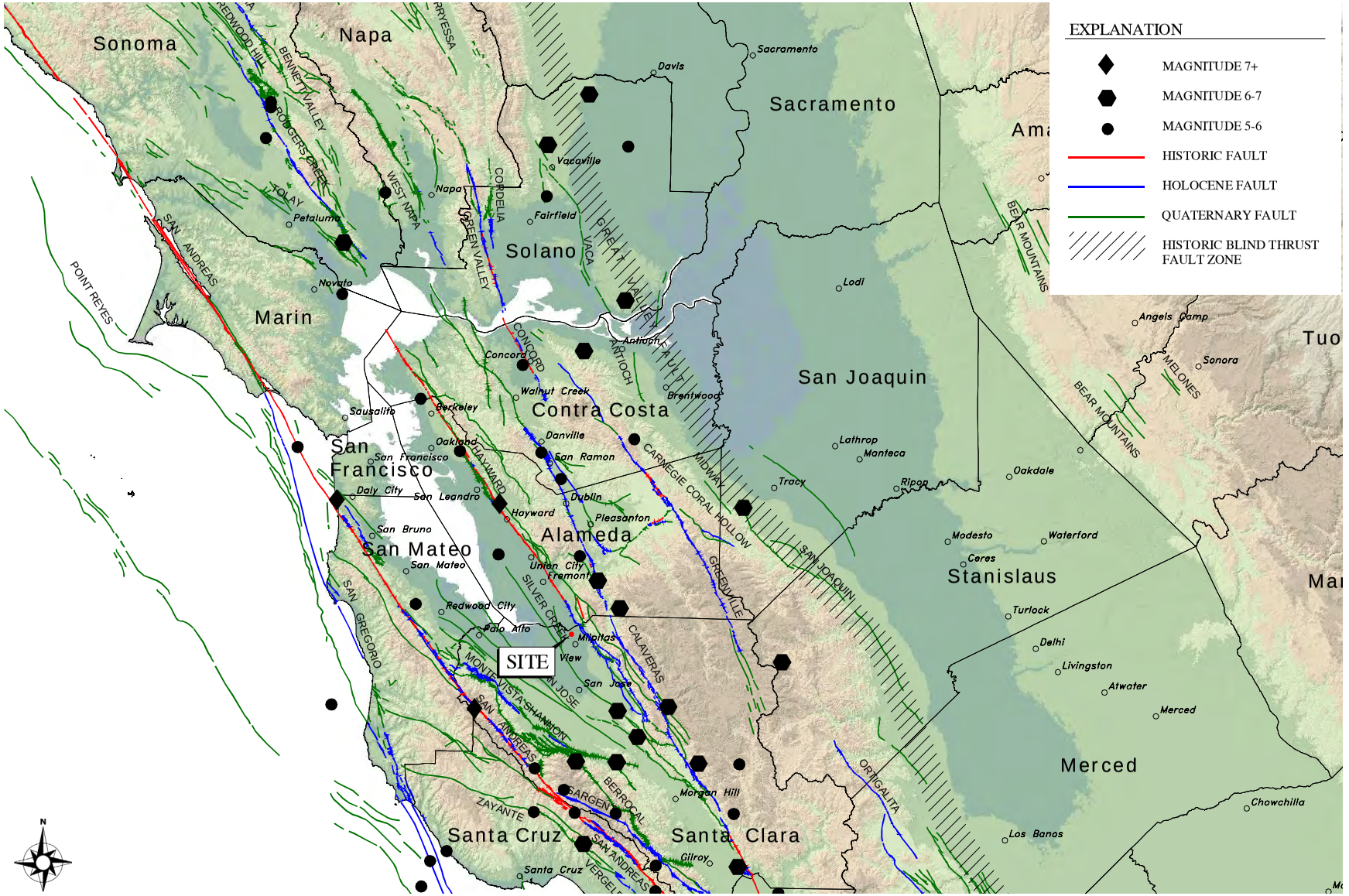

Figure 13
Regional Faults and Seismicity

Source: ENGEO (July 30, 2014)

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state during ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and depth to ground water.

The Project site is mapped within a potentially liquefiable zone as identified by the State of California Seismic Hazard Zone Map (**see Figure 14**), and the site is mapped in an area susceptible to liquefaction by the Santa Clara County Geologic Hazard Zones Map.

Impact Analysis

Fault Rupture

> **Geo-1:** The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map. (**Less than Significant**)

The Project site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. Therefore, the risk of ground rupture within the Project site is low.

Strong Seismic Ground Shaking

> **Geo-2:** The Project, similar to other development throughout the San Francisco Bay region, could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to strong ground shaking, but this effect is reduced to levels considered less than significant through implementation of standard mitigation as found in the California Building Code requirements. (**Less than Significant with Mitigation**)

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the site.

Mitigation Measures

> **Mitigation Geo-2: California Building Code Requirements.** To mitigate ground shaking effects, all structures should be designed using sound engineering judgment and the latest California Building Code (CBC) requirements as a minimum. Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead and live loads. The code-prescribed lateral forces are generally substantially smaller than the expected peak forces that would be associated with a major earthquake. Therefore, structures should be able to:
>
> 1. resist minor earthquakes without damage,
> 2. resist moderate earthquakes without structural damage but with some nonstructural damage, and
> 3. resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Conformance to the current building code recommendations does not constitute any kind of guarantee that significant structural damage would not occur in the event of a maximum magnitude earthquake; however, it is reasonable to expect that a well-designed and well-constructed structure will not collapse or cause loss of life in a major earthquake.

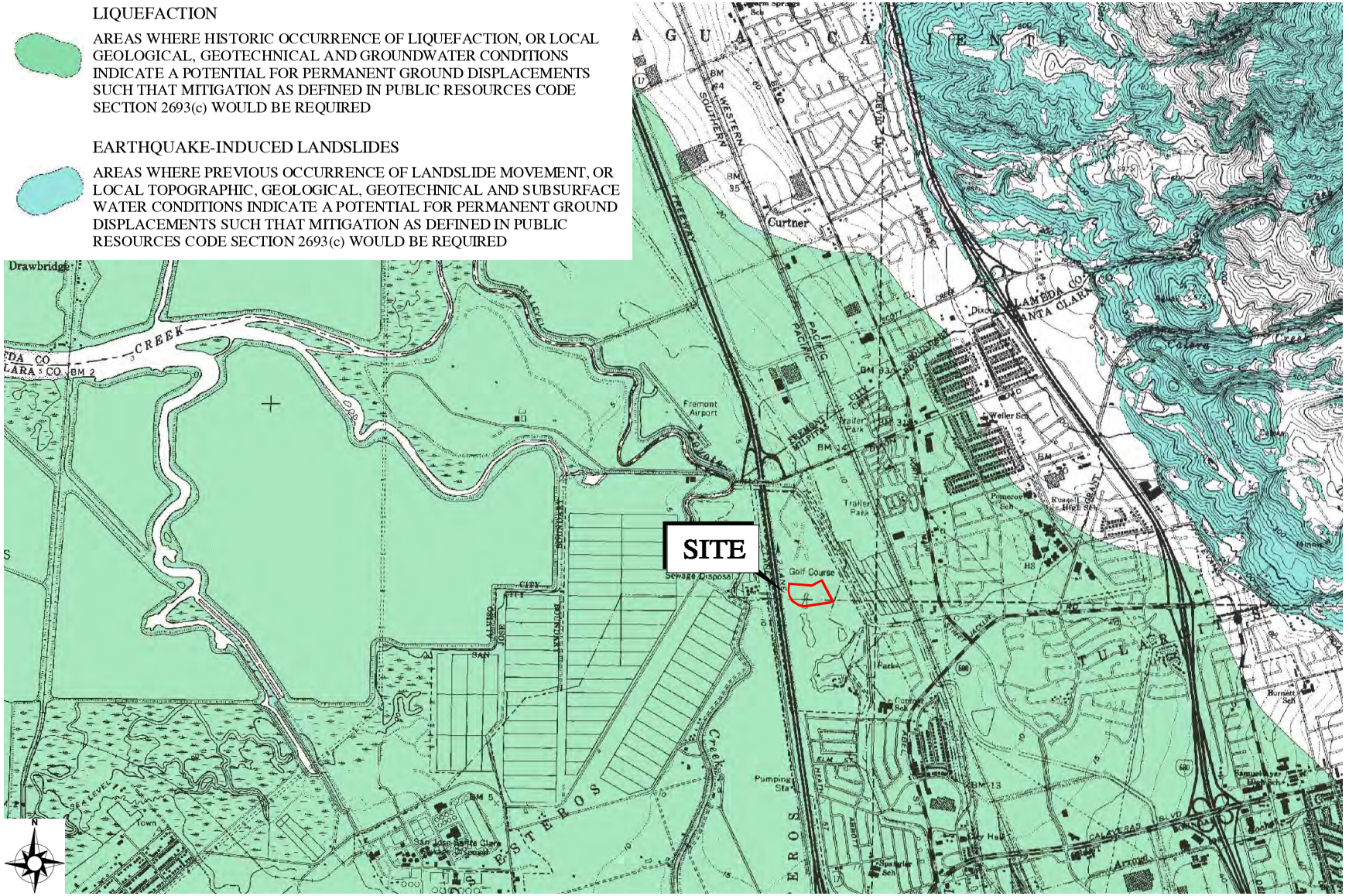

Figure 14
Seismic Hazard Zones

Source: ENGEO (July 30, 2014)

Liquefaction

> **Geo-3:** The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death related to liquefaction, but this effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction. (**Less than Significant with Mitigation**)

Loose to medium dense sand and silty sand layers are found at depths ranging from 5 to 34 feet at the Project site. Thicknesses range from approximately 4 feet up to 12 feet, with the thicker zones generally encountered along the eastern portion of the site, and starting at an approximate depth of 20 feet. Most of the loose to medium dense sand and silty sand layers encountered are potentially susceptible to liquefaction. Additionally, in order for liquefaction-induced ground failure to occur, the pore water pressure generated within the liquefied strata must exert a force sufficient to break through the overlying soil and vent to the surface, resulting in sand boils or fissures.

Based on the analysis, it appears the Project site does not have a thick enough cap of non-liquefiable soil to prevent venting of liquefiable soil. Assuming up to 3 feet of fill may be placed on portions of the site, soil conditions indicate a risk for liquefaction-induced surface rupture or sand boils during a strong seismic event. Assuming that up to 6 feet of fill may be placed on other portions of the site, settlement of 1.8 to 4.8 inches are possible under extreme seismic events.

Mitigation Measures

> **Mitigation Measure Geo-3: Foundation Design**. The foundation designs for new Project buildings shall conform to the foundation options and recommendations of the Project's Geotechnical Engineer, as found necessary to mitigate liquefaction hazards and reduce the risk of damage during a major earthquake. Based on preliminary recommendations (ENGEO, 2014), post-tensioned mat foundations are recommended, capable of preventing collapse or the loss of life but not fully preventing risk of structural and non-structural damage as a result of a major earthquake. If the preliminary design recommendations of ENGEO 2014 cannot be achieved by the Project's Structural Engineer, alternative recommendations and foundation options may be considered, providing such alternatives are found consistent with California Building Code requirements. Assuming post-tension mat foundations, the following technical recommendations shall be addressed in final foundation designs:
>
> 1. The foundation design should consider 1-inch total load-induced settlement subsequent to completion of surcharge operations (see Mitigation Geo-4, below). A differential value of ½ inch may be considered and should be assumed to act between adjacent column supports or over a 30-foot distance.
> 2. Post-tensioned mats should be designed for an average allowable soil pressure of 1,200 pounds per square foot for dead-plus-live loads, with maximum localized bearing pressures of 1,500 pounds per square foot for concentrated loads. Allowable bearing pressures can be increased by one-third when considering total loads, including wind or seismic loads. The actual thickness of the mat foundation should be determined by the project Structural Engineer based on structural calculations.
> 3. The subgrade material under structural mat foundations should be uniform. The pad subgrade should be moisture conditioned to a moisture content of at least 2 percentage points above optimum. The subgrade should be thoroughly soaked and approved by the Geotechnical Engineer prior to placing the reinforcement or tendons. The subgrade should not be allowed to dry prior to concrete placement.
> 4. A tough, water vapor retarding membrane should be installed below the slab to reduce moisture condensation under floor coverings. The vapor retarder should meet ASTM E 1745

– 97 Class A requirements for water vapor permeance, tensile strength, and puncture resistance. Vapor transmission through the mat foundations can also be reduced by using high strength concrete with a low water-cement ratio.

Expansive Soils

Geo-4: The Project is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction. (**Less than Significant with Mitigation**)

Soils Settlement

Soils are subject to settlement when a new loading scenario is introduced by structures and fill. Consolidation settlement is highly dependent on the permeability of the deposit. Consequently, sandy soils will settle almost immediately, whereas clayey soils will settle much more slowly.

The western portion of the site is underlain by soft, highly expansive fat clay up to approximately 10 feet thick at depths ranging from roughly 8 to 18 feet. Consolidation test result indicates that these clayey deposits are normally consolidated and highly compressible and that the western portion of the site may undergo total consolidation settlement of approximately 4 to 6 inches. Consolidation settlement is usually most significant within the first year after placement of new fill or addition of structural load. Based on laboratory test results, approximately 50 percent of the estimated consolidation settlement could potentially occur within the first 6 months to 1 year after placement of fill or structural loads. Settlement rates would then slow down and gradually achieve the estimated settlement. It could take 2 to 5 years to achieve 90 percent of the estimated consolidation settlement. These settlement estimates exceed the engineers' recommendations for a tolerable amount for the proposed development.

Mitigation Measures

A mitigation measure that has been successfully used for this type of development and site conditions is surcharging. Surcharge fill is placed to pre-consolidate the compressible deposits in areas subject to future increased loads.

Mitigation Measure Geo-4A: Surcharge Program. To reduce post-construction consolidation settlements, a surcharge program to "pre-consolidate" the soft clay deposits prior to site development may be used. A surcharge program would involve the placement of temporary fills, uniformly blanketing the western portion of the site until the desired degree of consolidation in these areas has occurred, as determined by a site-specific settlement-monitoring program. Based on field exploration to date, the estimated minimum surcharge area is shown on **Figure 15**.

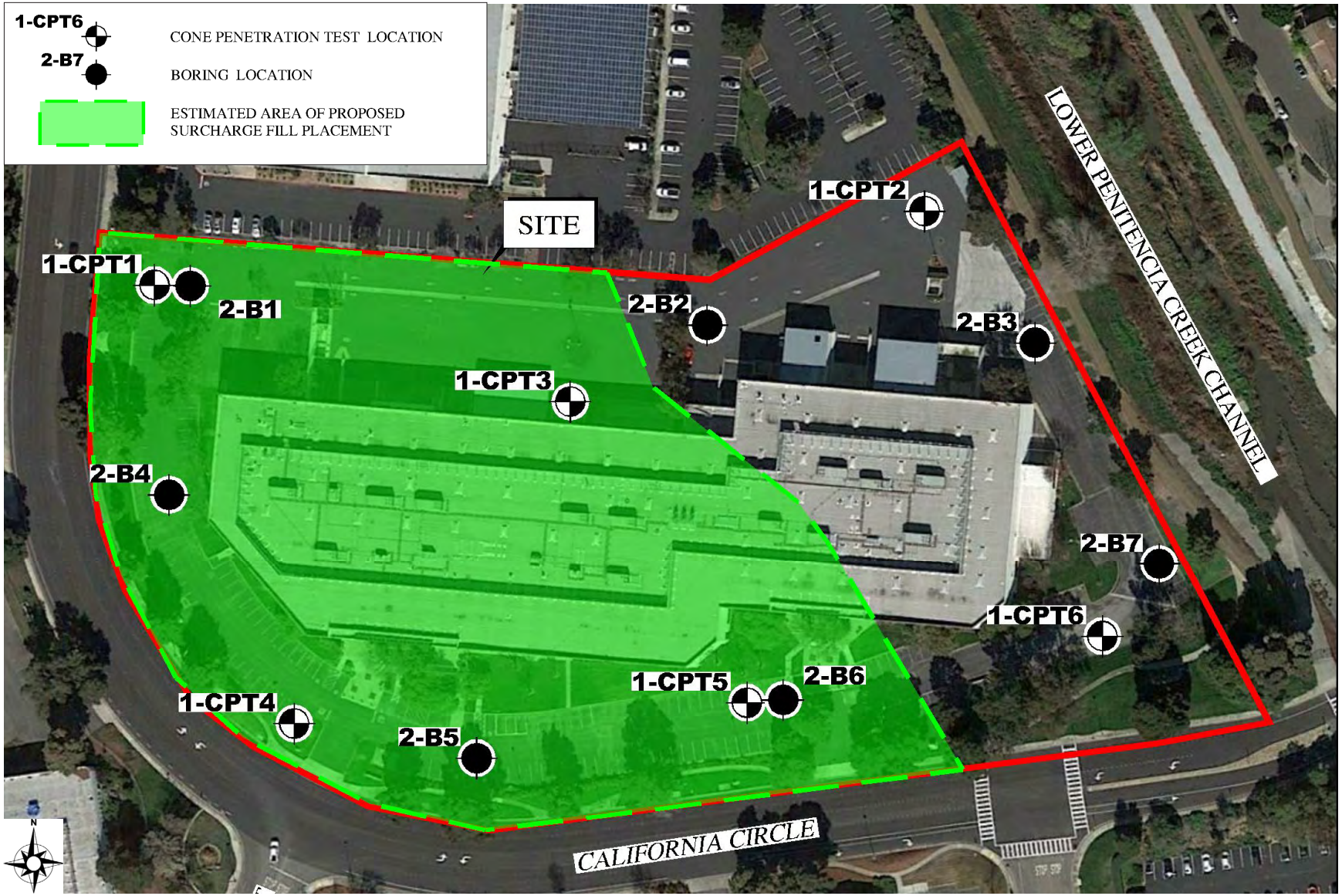

Figure 15
Geotechnical Boring Locations and
Area of Proposed Surcharge Fill

Source: ENGEO (July 30, 2014)

1. Surcharge fill should be uniformly placed over areas where structures or raised grades are planned to adequately drive consolidation of the highly compressible soft clay. The surcharge fill area, grades and extent, should be determined by a geotechnical engineer depending on surcharge period, building loads, and surcharge materials.[6] It is anticipated that a surcharge program with a surcharge height of at least 6 feet (assuming average unit weight of surcharge material is 120 pounds per cubic foot) above final grade elevations.
2. Surcharge fill should remain in place for a period of time determined to be sufficient to allow the desired degree of consolidation to be achieved, so that the risk of settlement is sufficiently reduced for the planned development. Depending on the construction schedule, implementation of a surcharge program may be accelerated by installing wick drains, which allow rapid pore pressure dissipation. Variable surcharge heights and wick drain spacing combinations are possible and may be feasible depending on specifics of loads and project timelines. Foundation designs should consider up to 1 inch of residual static-settlement.
3. If desired, the use of lightweight fill may be considered to reduce surcharge height, or existing fill on the site could be excavated and used as temporary surcharge fill.
4. Following surcharge removal, residual settlement of the soft clay is estimated to be small and structures supported on shallow foundations, such as post-tensioned mat foundations, should be designed to withstand the estimated post-construction differential settlement.
5. Where utilities are installed within the soft clay layer, the weight of the utility backfill will be heavier than the soft clayey deposits removed, resulting in undesirable potential settlement of the utility pipeline. For this case, the use of special "lightweight fill" should be considered to reduce additional loading on the compressible deposits. Recommendations for underground utilities are provided in a subsequent section.

Expansive Soils

The near-surface lean clay soils display a moderate to high expansion potential, and highly expansive fat clay was found in the upper 5 feet of some on-site boring logs. Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Therefore, construction of improvements will need to consider the potential impacts of expansive soils.

Mitigation Measures

> **Implement Mitigation Measure Geo-3: Foundation Design** (see mitigation measure Geo-3, above).

Building damage due to volume changes associated with expansive soils can be reduced by supporting structures on structural mat foundations that are designed to accommodate shrinking and swelling subgrade soils. Successful construction on expansive soils requires special attention during grading. It is imperative to keep exposed soils moist by occasional sprinkling. If the soils dry, it is difficult to re-moisturize the soils (because of their clayey nature) without excavation, moisture conditioning, and re-compaction. Conventional grading operations, incorporating fill placement specifications tailored to the expansive characteristics of the soil and use of a mat foundation are common, generally cost-effective measures to address the expansive potential of the foundation soils.

Existing Fill

Based on a review historical aerial photographs, the site was previously used as a golf course before being developed into present-day conditions. The site may have received fill in order to achieve current grades

[6] For planning purposes, it is assumed up to 3 feet of engineered fill will be placed to raise site grades, and the proposed structures at the site will impose average floor loads of 400 pounds per square foot (psf) considering dead plus live loads.

from the prior use, including significant amounts of fill to raise grades from former depressions. Fill may also have been applied beneath and adjacent to the existing building foundation and within existing utility trench and landscape areas. The presence of undocumented fill can lead to pavement subgrade instability and differential foundation movement due to the unknown density of the fill and due to differences in material properties for structures that span fill to native irregularities.

Mitigation Measures

Mitigation Measure Geo-4B: Fill Removal and Re-compaction. Treatment of existing or undocumented fills typically includes removal and re-compaction of soil deemed suitable for reuse. Where encountered, existing fill, utility trench backfill, and existing foundation backfill are considered undocumented and should be sub-excavated to expose underlying competent native soils that are approved by the Geotechnical Engineer. If in a fill area, the base of the excavations should be processed, moisture conditioned, as needed, and compacted in accordance with the recommendations for engineered fill.

1. Depending upon cuts associated with removal of foundations or undocumented fills, differential fill thickness conditions could possibly arise. For sub-excavation activities that create a differential fill thickness across a building footprint, mitigation to achieve a similar fill thickness across the pad is beneficial for the performance of a shallow foundation system. It is recommend that a differential fill thickness of up to 5 feet is acceptable across the building footprint.
2. To improve foundation performance for the planned structures and to mitigate the risk of liquefaction-induced surface rupture (sand boils), we recommend near-surface soils comprise uniform fill of at least 3 feet and underlain by a woven geotextile fabric (Mirafi 500X or approved equivalent). Recommendations regarding placement depths of geotextile fabric should be re-addressed once land plans are available and may be modified during grading activities depending on groundwater levels.
3. Once a suitable firm base is exposed, the exposed non-yielding native surface should be scarified to a depth of 10 inches, moisture conditioned, and re-compacted to provide adequate bonding with the initial lift of fill. All fills should be placed in thin lifts, with the lift thickness not to exceed 10 inches or the depth of penetration of the compaction equipment used, whichever is less.
4. In general, graded slopes should be no steeper than 2:1 (horizontal: vertical). All fill slopes should be adequately keyed into firm materials unaffected by shrinkage cracks. If a cut or cut-fill transition occurs within a graded slope, it should be over-excavated and reconstructed as an engineered fill slope.

Unstable Soils/Slope Stability

Geo-5: The Project is located on a geologic unit or soil that is unstable or that could become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. This effect is reduced to levels considered less than significant through implementation of recommended engineering requirements for building construction. (**Less than Significant with Mitigation**)

Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face or down a gentle slope. Generally, effects of lateral spreading are most significant at the free face or the crest of a slope and diminish with distance from the slope.

Lower Penitencia Creek Channel Bank

The existing earthen embankment levee with a walking trail along its crest forms the eastern boundary of the Project site within the Santa Clara Valley Water District (SCVWD) easement. The outboard slope of the embankment levee (creek side) consists of a generally uniform 1½:1 or flatter slope approximately 7 feet tall. An approximately 160 lineal foot inboard portion of the Lower Penitencia Creek channel bank is concrete lined adjacent to the southeastern site area. The northern balance of the inboard channel bank appears to consist of dry seasonal vegetation and comprised of an approximately uniform 1:1 to 1½:1 slope. The Lower Penitencia Creek channel bank is a free face that may be potentially susceptible to lateral spreading.

Based on a brief review of available documentation provided by the SCVWD, the eastern levee of the adjacent Penitencia Creek (located east of the Project site, across the creek) was re-certified in 2009. Levee accreditation of the west levee (abutting the eastern boundary of the Project site) is pending improvements of Upper Penitencia Creek, and the United States Army Corps of Engineers are in progress on plans and design for the Upper Penitencia Creek. For purposes of levee re-certification of the eastern levee (opposite side of creek channel), a geotechnical study was performed in July 2009 by AMEC Geomatrix, Inc. (AMEC). Based on that study, earthquake-induced settlement is not expected to exceed more than 1 to 4 inches due to seismic settlement, and portions of the west levee slope under seismic loading may deform "somewhat." It is assumed that similar concerns for the western levee adjacent to the Project subject site exist. Specifically, there is potential for liquefaction-induced settlement and lateral spreading/slope deformation of the levee, including deformation away from or toward the Project site as a result of strong ground shaking.

> **Mitigation Measure Geo-5A: Lower Penitencia Creek Bank Setback**. Implement the Engineering Geologist's recommendation for a minimum setback distance of 40 feet from the top of the existing creek bank for structures, and a minimum setback distance of 30 feet from the top of the existing creek bank for other development related site improvements (i.e. pavements, sidewalks, and utilities).
>
> 1. If structures or site improvements are planned within the recommended setbacks, additional remedial grading mitigation measures may be necessary (i.e. below-grade retention systems, shear keyway, etc.) that extend to adequate depths to provide adequate stability considering the adjacent creek.
> 2. As part of more detailed grading plan review, the remedial grading and any other recommended measures may be outlined, as necessary.

These recommended setbacks are suitable provided the other remedial grading recommendations provided in the Geological Report are incorporated into the final land plan and implemented during construction.

Project Development Sites

Lateral spreading is unlikely to significantly impact the proposed Project. The potential for lateral deformation occurring at proposed development locations is low provided the recommendations indicated below are followed. Minor ground cracking at or near the eastern site boundary may occur.

Erosion

> **Geo-6**: The Project could result in substantial soil erosion or the loss of topsoil, but mitigation measures recommended for the Project and as required pursuant to current legislation will reduce this impact to level of less than significant (**Less than Significant**)

The majority of the Project site is flat and developed and very little soil is currently exposed. Ground disturbance would be required for demolition of the existing buildings and surface parking lots, grading, and construction of the proposed residential project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The City will require the proposed residential project to comply with all applicable regulatory programs pertaining to construction related erosion. Because the proposed Project a will be required to comply with all applicable regulations, implementation of the Project would have a less than significant construction related soil erosion impact.

Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

> **Geo-7**: The Project will not 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. (**No Impact**)

The Project will be served with municipal wastewater service, and no septic tanks or alternative wastewater systems are proposed or are necessary. This effect is not applicable to the proposed Project.

VII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	B
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	B

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Illingworth & Rodkin, Inc., *1210 California Circle, Draft Air Quality and GHG Emissions Assessment*, July 24, 2014

Environmental Setting

The Project site is currently developed with a 120,500 square foot light industrial R&D building. When the building was occupied (most recently in 2012), greenhouse gas emissions were generated by employees, customers, and delivery trips to and from the Project site and from the operation of the building. Currently the building is vacant and does not generate greenhouse gas emissions.

Regulatory Setting

As noted in the Air Quality section of this Initial Study, significance thresholds used herein are those adopted by the Bay Area Air Quality Management District (BAAQMD) in the Agency's 2011 CEQA Air Quality Guidelines. These thresholds include a "bright-line" emissions level of 1,100 metric tons per year for land-use type projects and 10,000 metric tons per year for stationary sources. Land use projects with emissions above the 1,100 metric ton per year threshold are also subject to a GHG efficiency threshold of 4.6 metric tons per year per capita. Projects with emissions above these thresholds would be considered to have a cumulatively significant impact on global climate change.

Impact Analysis

Greenhouse Gas Emissions

> **GHG-1**: The Project will not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. (**Less than Significant**)

Construction Emissions

GHG modeling as presented in detail in the Illingworth & Rodkin study estimated the level of construction-related GHG emissions at 1,041 metric tons of CO2 equivalent (1,041 MT CO2e) as a result of on-site operation of construction equipment, hauling truck trips, vendor truck trips, and worker trips. As noted in the report, BAAQMD does not have an adopted significance threshold for construction-related GHG emissions, though total construction period emissions would be less than the BAAQMD operational threshold of 1,100 MT CO2e per year. If these emission levels were annualized over a 40-year minimum life expectancy of the Project, these emissions would amount to an average of 26 MT CO2e/yr.

In accordance with BAAQMD recommendations, the technical analysis for this Initial Study has quantified and disclosed the level of construction related GHG emissions. The City of Milpitas will require the applicant to apply Best Management Practices to reduce GHG emissions during construction where feasible and applicable. Best management practices assumed to be incorporated into construction of the Project include, but are not limited to:

- using local building materials of at least 10 percent, and
- recycling or reusing at least 50 percent of construction waste or demolition materials.

Operational Emissions

The Illingworth & Rodkin study utilized CalEEMod model, along with the Project's vehicle trip generation rates, to predict daily GHG emissions associated with operation of the fully-developed Project. Assuming completion of the project in 2018, annual emissions resulting from the proposed Project are predicted to be 1,230 MT of CO2e. This level of emissions exceeds the BAAQMD threshold of 1,100 MT of CO2e/yr. As discussed above, land use projects with emissions above the 1,100 metric ton per year threshold are subject to a GHG efficiency threshold of 4.6 metric tons per year per capita to determine impact significance. Assuming an average of 3.45 people per unit and 148 units, the Project, would have an effective service population of approximately 510 people. The computed per capita emissions for the Project would be 2.41 MT of CO2e/year/service population, which is less than the BAAQMD threshold of 4.6 MT of CO2e/year/service population.

Conflict with Applicable Plans, Policies or Regulations

> **GHG-2**: The Project will not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (**No Impact)**

The City of Milpitas published its Climate Action Plan in May 2013, with the adopted goal of reducing GHG emissions through community partnerships and implementation of GHG reduction measures. The Project would be subject to new requirements under rule making developed at the State and local level regarding greenhouse gas emissions and be subject to local policies that may affect emissions of greenhouse gases, such as the City Climate Action Plan. The Project would be consistent with the City's Climate Action Plan.

VIII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 2, F
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, F
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, 16, F
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, F
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
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
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- ENGEO, Inc., *Phase I Environmental Site Assessment, 1210 California Circle, Milpitas, California,* July 24, 2014

Environmental Setting

The approximately 9.45-acre Project site is part of a suburban commercial and light industrial business park located between Lower Penitencia Creek and I-880. Residential developments are located nearby on the east side of the creek channel. An existing earthen embankment levee with a walking trail forms the eastern boundary of the site and is subject to use and other restrictions pursuant to an easement held by the Santa Clara Valley Water District (SCVWD).

The site was first developed as a golf course in the 1950s which is also when the Lower Penitencia Creek channel was constructed. There is no evidence of agricultural use of the property prior to construction of the golf course. The golf course was removed in the early 1980s when California Circle was constructed. The site remained vacant during the mid-1980s. The present building was constructed in about 1987 as an approximately 120,500 square foot tilt-up one-story light industrial building surrounded by a surface parking lot and ornamental landscaping. The building consists of internal office space and a rear warehouse area, with several truck docking facilities and fence-enclosures along the northern side of the building. Since it opened, the building has been occupied by various tenants including Sun Microsystems (1987 to 1995), Lam Research (1996), E-Cycle (2000 to 2006) and Solyndra (2008 to 2012); the building has been vacant since Solyndra left in 2012.

The property has been the subject of three prior Phase I ESAs: in 1995, 1996 and 2001. These prior site assessments found no evidence of asbestos containing materials (ACM) or underground storage tanks, found no leakage or other concerns with above-ground storage of potentially hazardous materials, and found refrigeration units to be in good condition.

The ENGEO 2014 Phase I ESA includes a comprehensive search of relevant environmental databases and listing of prior environmental studies conducted by prior building users. As part of the ESA, a reconnaissance level site visit was conducted, seeking evidence of hazardous materials storage, superficial staining or discoloration, debris, stressed vegetation, or other conditions that may be indicative of potential sources of soil or groundwater contamination. The site was also checked for evidence of fill/ventilation pipes, ground subsidence, or other evidence of existing or preexisting underground storage tanks.

The ENGEO Phase I also reported on prior incidences of hazardous waste clean-up and/or removal activities which included removal of several leaking 55-gallon containers in 2003. The work was done under the supervision of the Milpitas Fire Department and resulted in no environmental impact.

Environmental Site Assessment Findings

The ENGEO 2014 Phase I ESA did not find documentation or physical evidence of soil or groundwater impairments associated with the current or past use of the property. It found no documentation or evidence of significant hazardous materials violations or discharge on the property.

Impact Analysis

Routine Transport, Use or Disposal of Hazardous Materials

> **Hazards-1**: The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Construction activities routinely utilize materials and fuels considered hazardous. Compliance with applicable regulations would ensure the Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Project construction activities may involve the use, transport and disposal of hazardous materials such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances used during construction. Construction of the Project would also require the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps and air compressors.

Residential occupation and management of the proposed residential townhouse development would not involve the use, transport and disposal of hazardous materials except for incidental use of household chemicals and vehicle fuels by residents on the site.

Release of Hazardous Materials

> **Hazards-2**: The Project could 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, but such an accident would be reduced to less than significant level with implementation of mitigation measures requiring conformance with asbestos and lead-based paint regulations. (**Less than Significant with Mitigation**)

Mitigation Measures

Although the 1995 Phase I ESA did not identify any asbestos containing building materials (ACBMs), the ENGEO 2014 Phase I ESA recommends the following mitigation measure to address the potential for asbestos:

> **Mitigation Measure Haz-2**: The Applicant shall retain Cal-OSHA certified ACBM and lead-based paint specialists to assess the structure for the presence of these hazardous materials prior to the start of demolition work. Hazard abatement or removal and disposal of hazardous materials, if any are found, shall comply with applicable regulations.

With implementation of Mitigation Measure Haz-2, potential environmental impacts would be less than significant.

Hazardous Emissions near a School

> **Hazards-3**: The Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (**Less than Significant**)

The closest school to the Project site is Curtner Elementary School, located at 275 Redwood Avenue, approximately .35 miles away. Potential impacts related to the emission of hazardous materials, substances of wastes would be less than significant.

Cortese List

> **Hazard-4**: The Project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (**No Impact**)

Information provided by Environmental Data Resources and included in the ENGEO 2014 Phase I ESA indicates that no Recognized Environmental Conditions (RECs), no historical RECs, and no controlled RECs were identified for the Project site, and thus the site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 that would create a significant hazard to the public or the environment.

Airport Hazards

> **Hazard-5**: The Project is not 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, and the Project would not result in an airport safety hazard for people residing or working in the area. (**No Impact**)

The Project site is not located in proximity to any public airport or private airstrip, and is not located within an Airport Influence Area (AIA) (a composite of the areas surrounding an airport that are affected by noise, height, and safety considerations).

Emergency Response, Evacuation or Wildland Fire Hazards

> **Hazard-6:** The Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. It would not 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. (**No Impact**)

The Project site is in a developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. The Project would not interfere with any adopted emergency response plan or emergency evacuation plan.

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1,2
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2
6) Otherwise substantially degrade water quality?	☐	☒	☐	☐	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☒	☐	☐	1,2, 14

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

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Schaaf & Wheeler, *Memo Re: Preliminary 100-Year Flood Study*, August 4, 2014
- Carlson, Barbee & Gibson, Inc., *Stormwater Control Plan for Stormwater C.3 Guideline Compliance with California Circle Vesting Tentative Map*, August 15, 2014
- ENGEO, Inc., *Geotechnical Exploration for 1210 California Circle, Milpitas, California*, August 15, 2014

Environmental Setting

Following are factual statements about the Project site as gleaned from authoritative sources as indicated.

Flood Hazard

The Project site is located within Special Flood Hazard Area zone AH which is a flood hazard category of the Federal Emergency Management Agency (FEMA) as having a one percent annual chance of flood with average depths of one to three feet (see **Figure 16**).[7]

Dam Failure

According to the applicable dam failure inundation hazard map, the Project site is not subject to flooding in the event of a dam failure.[8]

[7] FEMA https://msc.fema.gov/portal/search?AddressQuery=1210%20California%20Circle%2C%20Milpitas%20, accessed 8/13, 2014. FEMA Map Number is CA 06085C0058J, effective on02/18/2014

[8] Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for NW San José/Milpitas/Santa Clara.* 1995. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl> Accessed August 13, 2014

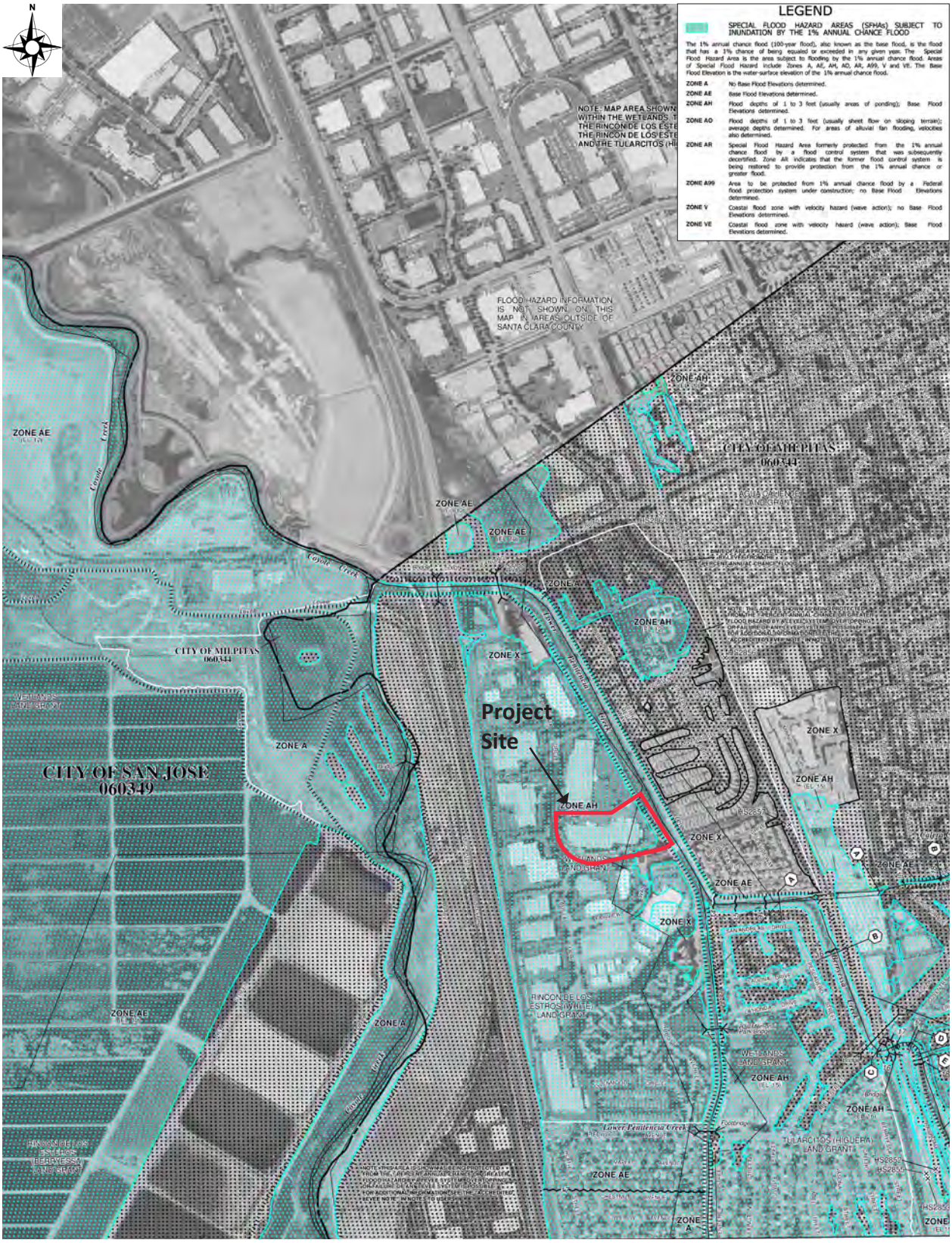

Figure 16
FEMA Flood Insurance Rate Map

Source: Department of Homeland Security, Federal Emergency Management Agency

Tsunami, Seiche and Mudflows

There are no landlocked bodies of water near the Project site that would affect the site in the event of a seiche. There are no bodies of water near the Project site that would affect the site in the event of a tsunami.

The project area is flat and there are no mountains nearby that would affect the site in the event of a mudflow.

Sea Level Rise

The degree to which sea level might rise as a result of climate change is uncertain but is being studied so that the risks can be taken into consideration in planning for new projects located on potentially affected sites. The San Francisco Bay Conservation and Development Commission (BCDC) is the leading agency in the Bay Area to have addressed the issue. BCDC's studies have taken data from the United States Geological Survey (USGS) to produce a series of sea level rise maps showing areas vulnerable to 16 inches of sea level rise at mid-century and 55 inches at the end of the century. The BCDC maps show the Project site as being vulnerable to sea level rise of 55 inches by the end of the century.[9]

As indicated in the Waterstone Initial Study/EIR, the increase in global mean sea level may have a range of impacts to developed areas of Milpitas and in tidally influenced reaches of streams and creeks. For instance, discharge pipes, both for storm and treated wastewaters, will operate differently under higher average tide cycles. Streams, creeks and rivers that flow to the Bay will also have higher water surface elevations for their respective downstream conditions, which may increase water levels throughout a system during extreme events. Rising sea levels may also affect the protection level for bay and riverine levee systems (such as Penitencia Creek).

In addition to sea level rise, global warming may affect other flood related factors such as storm surge, wave height and run-up, and rainfall intensity. Generally more intense but less frequent precipitation is predicted, with storm patterns shifting to earlier in the fall and winter months. More intense storms may cause increased storm surge and wave heights in the Bay, although how these conditions would impact this area of Milpitas is unknown since the relatively shallow marshes of the South Bay may dampen this potential impact.

Storm Drain

The City of Milpitas owns and maintains the municipal storm drainage system which serves the Project site. The lines that serve the Project site drain into Penitencia Creek. Penitencia Creek flows north, carrying the flows from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the Project site due to the intervening levee.

Hydromodification

The Municipal Regional Stormwater NPDES permit (see additional discussion, below) requires all new projects and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in sub-watersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map).

[9] San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay.* Map. 2008 http://www.bcdc.ca.gov/planning/climate_change/maps/16_55/south_bay.pdf Accessed August 13, 2014

Based on the SCVUPPP Watershed Map for the City of Milpitas, the project site is within a sub-watershed that drains into a hardened channel and/or tidal area. As a result, the project is not required to comply with the NPDES hydromodification requirements

Groundwater

The ENGEO geotechnical report prepared for the project site determined that groundwater beneath the Project site is at a depth of approximately 7 to 20 feet below ground surface (bgs).

Water Quality

Stormwater from the Project site drains into Penitencia Creek. The water quality of Penitencia Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA)[10], Penitencia Creek is not currently listed on the California 303(d) list,[11] or the Total Maximum Daily Load (TMDL) high priority schedule.[12]

Nonpoint Source Pollution Program

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the Milpitas area is the San Francisco Regional Water Quality Control Board (RWQCB).

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Milpitas. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 sf are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists co-permitees, such as the City of Milpitas, to implement the provisions of the Municipal NPDES Permit.

10 U.S. Environmental Protection Agency. *California* 303(d) Listed Waters. http://ofmpub.epa.gov/tmdl_waters10/attains_waterbody.control?p_list_id=CAR2053002119990218112824&p_state=CA&p_cycle=2010

11 The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies

12 A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Analysis

Alteration of Drainage Patterns

> **Hydrology-1**: The Project will not substantially alter the existing drainage pattern of the site or area (in particular it will not alter the course of a stream or river) in a manner which would result in substantial erosion or siltation, or substantially increase the rate or amount of surface runoff in a manner which would exceed the capacity of existing or planned storm water drainage systems or result in flooding on-or off-site, or which would or provide substantial additional sources of polluted runoff. (**Less than Significant**)

Hydromodification

Existing buildings, paving, concrete, and other impervious surfaces account for approximately 75% (7.0 ac) of the site. The remaining 25% of the site is covered by pervious surfaces consisting of landscaped areas along the California Circle frontage and the Penitencia Creek levee.

All existing surface improvements west of the levee will be demolished as part of the Project, and following construction of the proposed improvements, approximately 5.9 acres (63%) of the site will be covered by impervious surface and about 3.5 acres (37%) will be covered by landscaped areas including lawns, shrubs, and trees. All walkways within these areas will be sloped to drain onto the surrounding landscaping. Of the 9.4 acre total Project area, approximately 8.7 acres will be disturbed by new development. No construction will occur over the approximately 0.7 acres of Penitencia Creek within the Project boundary. The Project will reduce the impervious surface of the site as compared to existing conditions, thereby reducing the total volume of surface runoff from the site. The Project site is also within an area defined as "draining to a hardened channel or tidal area" in the SCVURPPP Handbook. Projects meeting either of these criteria are exempt from Hydromodification Management Plan requirements.

On-Site Drainage

The proposed on-site storm drain system improvements for the site will tie into several existing storm drain stubs, and the existing drainage patterns will not be substantially altered.

The existing storm drainage system has sufficient capacity to support the existing development. Since there is sufficient capacity to serve the existing development and the proposed Project will reduce impermeable surfaces (thereby reducing the overall volume of runoff), implementation of the Project would not exceed the capacity of the storm drain system that serves the Project site.

Water Quality

> **Hydrology-2**: The Project could result in a violation of water quality standards or waste discharge requirements, or otherwise substantially degrade water quality, but this impact would be reduced through required implementation of construction-period and post construction water quality mitigation measures. (**Less than Significant with Mitigation**)

Construction Impacts

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

Mitigation Measures

Mitigation Measure Hydrology-2A: NPDES General Permit for Construction. As a condition of Project approval and prior to start of grading or other construction activities, the Project applicant shall file a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Permit. Pursuant to that permit, the Project will be required to implement management practices of the RWQCB during all phases of construction, including but not limited to the following:

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

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

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

Operational Impacts

After development, the Project will contribute generally the same types of stormwater runoff pollutants as did the prior use of the site as well as the surrounding residential development. Runoff from streets and parking areas often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Although the amounts of these pollutants ultimately discharged into the waterways are unknown, over time they could accumulate and be substantial.

The Project incorporates numerous water quality protection elements as part of its design, including:

- The site incorporates 148 residential units into 27 multi-story buildings with two car garages for each unit. This limits the amount of impervious area that may otherwise be associated with on-street

parking spaces. Surface parking is provided as necessary to meet the City's requirements without providing excess impervious surface.

- Sidewalks designed to the minimal permissible width provide pedestrian access while maximizing pervious landscape areas.
- Penitencia Creek and the associated levee will be maintained in their existing natural state by offsetting the development away from the eastern edge of the site.

Mitigation Measures

Because the Project has more than 10,000 square feet of total replaced impervious surfaces, and the total replaced impervious area (257,500 square feet) is more than 50% of the existing impervious area, the NPDES C.3 provisions for source control site design and water treatment requirements will apply to the Project.

> **Mitigation Measure Hydro-2C: NPDES C.3 Requirements – Stormwater Control Plan.** Pursuant to the San Francisco Bay RWQCB's Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP), the Project applicants shall be required to design, construct and operate stormwater treatment controls to treat post-construction stormwater runoff. These controls shall be sized, designed, implemented and operated in accordance with the Provision C.3 requirements of the regional permit, and the technical requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook, dated April 2012.

Proposed Stormwater Control Plan

A Stormwater Control Plan (SWCP) for the proposed Project has been submitted to the Engineering Department of the City of Milpitas as an accompaniment to the Project's Vesting Tentative Map application.[13] The SWCP includes recommendations on the use of permanent Best Management Practices (BMP) for the Project. Probable design storm flows and permanent BMP selections are presented in this report, intended to meet the technical requirements of the SCVURPPP C.3 Stormwater Handbook.

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

- The Project's proposed site layout and building locations offer the possibility of directing stormwater runoff to proposed landscape areas. Approximately 3.5 acres (37%) of the site will be covered by landscaped or pervious surfaces which include lawn, shrubs, and trees. The Project will be designed to direct runoff from impervious surfaces into landscape areas or drainage treatment features, such as bio-retention areas, where possible. Additionally, pedestrian pathways within the landscape areas will be sloped to drain towards adjacent landscape areas.
- Although conventional concrete and asphalt have been selected for use throughout the majority of the Project site, pervious pavement will be used in several of the private drive aisles which will reduce the total imperviousness of the site.
- Bio-retention treatment areas are designed into the Project to filter pollutants from stormwater runoff from adjacent roofs, streets and landscape areas using a combination of vegetation, ponding, permeable planting soil, and a sub-drain system. Bio-retention treatment areas, which will receive runoff through curb cuts, disconnected downspouts, and the local area drain system, will be located throughout the Project site and will ultimately discharge into the public storm drain system.
- The local area drain system will collect runoff from building downspouts and pathways prior to discharging into the bio-retention areas. Street runoff will discharge directly into the bio-retention

[13] Carlson, Barbee & Gibson, Inc., Stormwater Control Plan for Stormwater C.3 Guideline Compliance with California Circle Vesting Tentative Map, August 15, 2014

areas via curb cuts. One of the larger storm drain mains through the Project site will have a pump installed to discharge the water quality treatment flows into a central bio-retention area in the middle of the Project.

- Bio-retention treatment areas will be sized to maximize treatment for tributary areas. Runoff that is directed into the bio-retention areas will infiltrate through a minimum of 18" of bio-treatment soil. The treatment soil and the planting material to be used within the bio-retention treatment areas will have an infiltration rate of 5 inches per hour to meet the minimum infiltration criteria as described in the SCVURPPP bio-retention design and sizing guidelines.
- Each bio-retention area will be equipped with a bypass pipe that will direct excess water directly into the drainage system. In all cases, the rim of the overflow pipe will be set to meet the minimum ponding depth requirements for each individual bio-retention area.
- The size of the bio-retention areas has been calculated using the Uniform Intensity Method. Bio-retention areas will be sized to have a surface area equivalent to 4% of the contributing impervious area.

Based on these key elements of the proposed SWCP, each drainage sub-area within the Project (see **Figure 17**) is proposed to include measures to adequately treat and filter runoff prior to discharge into the storm drain system. The proposed sub-area drainage plan would include the following:

- Project Drainage Area 'A' includes approximately 4.8 acres of roadways, roofs, sidewalk and landscaping. Building downspouts will direct runoff to bio-retention areas, and curb cuts will allow water to enter street-side bio-retention areas. A pump will be installed to direct runoff conveyed by the proposed storm drain system into a large bio-retention area at the center of the site. This drainage area will be treated by a combination of pervious pavement and bio-retention areas, as well as self-treating and self-retaining landscape areas.
- Project Drainage Area 'B' includes approximately 0.3 acres of roofs, paseos, and landscaping. This drainage area will be treated by bio-retention areas and self-treating and self-retaining landscape areas.
- Project Drainage Area 'C' includes approximately 0.9 acres of roadway, roofs, sidewalk, and landscaping. This drainage area will be treated by bio-retention areas and self-treating and self-retaining landscape areas.
- Project Drainage Area 'D' includes approximately 2.3 acres of roadway, roofs, sidewalk, and landscaping. This drainage area will be treated by a combination of bio-retention areas, pervious pavement and self-treating and self-retaining landscape areas.
- Project Drainage Area 'E' includes approximately 0.5 acres of sidewalk and landscaping. This drainage area will be treated by self-retaining landscape strips adjacent to the sidewalk.
- Project Drainage Area 'F' includes approximately 0.7 acres of open space along Penitencia Creek. This drainage area will not be disturbed through Project construction, and will continue to act as a self-treating area.

The proposed SWCP also includes permanent source control BMP recommendations and operational source control BMPs, as well as recommended BMP maintenance requirements.

Through implementation of Mitigation Measure Hydro-2C, the Project's SWCP will be reviewed by the City Engineering Department for consistency with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook. Once approved, the SWCP will provide mitigation for water quality impacts associated with Project implementation, and the potential impact will be reduced to a less than significant level.

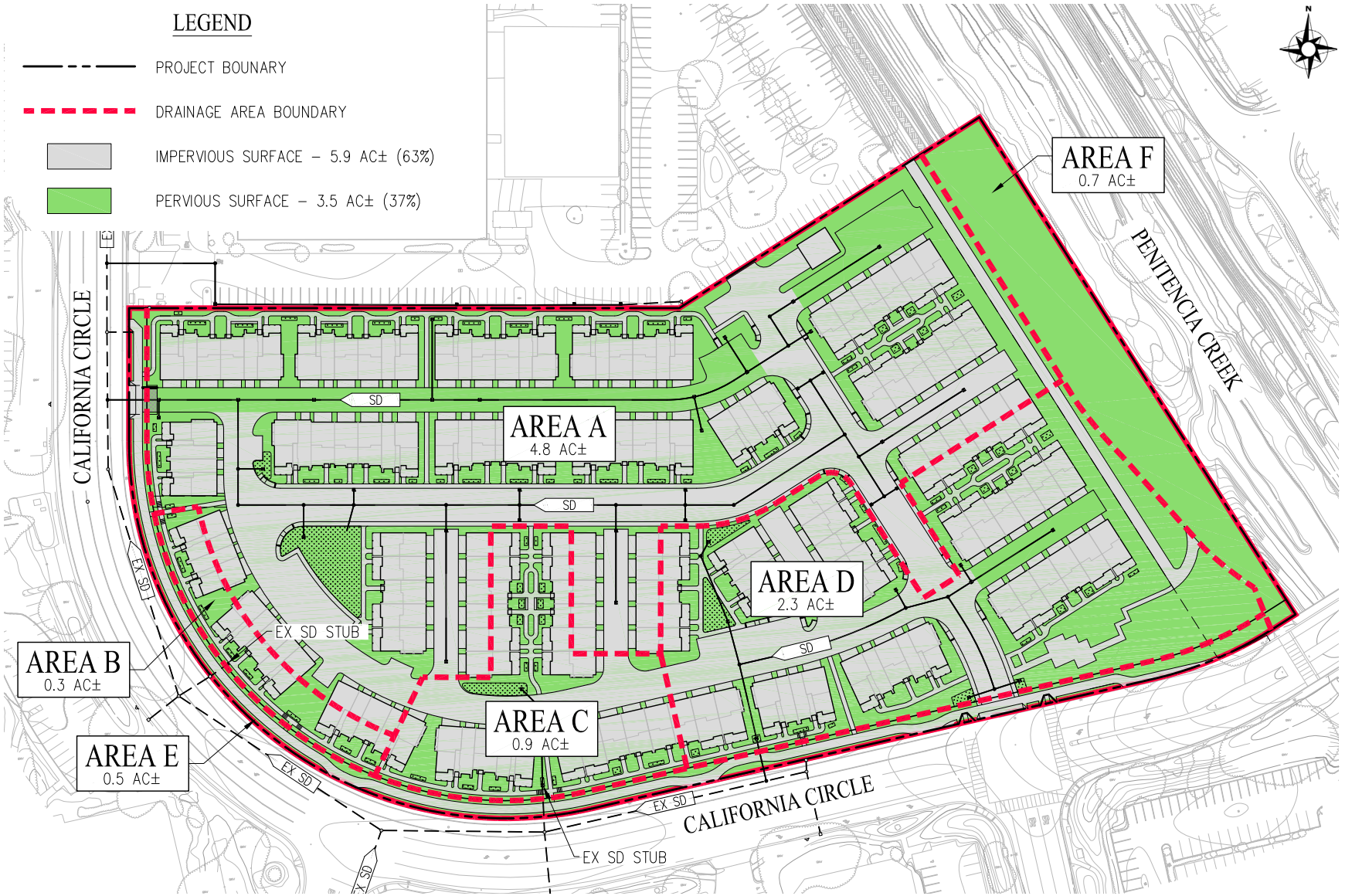

Figure 17
Proposed Storm Water Control Plan, by Drainage Areas

Source: Carlson, Barbee, & Gibson Inc. (August 15, 2014)

Operations and Maintenance

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

Mitigation Measures

> **Mitigation Measure Hydrology-2D: NPDES Best Management Practices**. The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are required of the Project to ensure compliance with NPDES permit requirements for post-construction operations to reduce water quality impacts.
>
> 1. When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.
> 2. All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.
> 3. The property owner/home owner's association will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.
> 4. The residential homeowner's association will ensure through the CC&R's that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude homeowners from landscaping or other improvements which might diminish the functionality of the system.

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

Groundwater Supplies and Recharge

> **Hydrology-3**: The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (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). **(Less than Significant)**

Potable water will be provided to the Project by the City of Milpitas, based on supplies provided by the San Francisco Public Utilities Commission. No groundwater would be used by the Project. In terms of groundwater recharge, the Project site is currently approximately 75 percent paved and stormwater on the Project site does not contribute to recharging of the groundwater aquifers, but drains to the site's stormwater system and into Penitencia Creek. Implementation of the Project would not impede groundwater recharge or lessen groundwater supplies.

100-Year Flood Hazards

Hydrology-4: The Project site is located within a 100-year flood hazard zone and would 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. This impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site above the flood level. (**Less than Significant with Mitigation**)

Lower Penitencia Creek Improvement Project

The Project site is located adjacent to Lower Penitencia Creek. The Santa Clara Valley Water District is currently planning a Lower Penitencia Creek Improvements Project that would affect the Creek within the City of Milpitas, particularly from approximately its confluence with Coyote Creek to its confluence with Berryessa Creek to the south.[14] This area of creek receives some of its water from Berryessa Creek, and current improvements that have been planned and designed, and soon to be constructed on Berryessa Creek will bring more flows into Lower Penitencia Creek that is currently conveys. Lower Penitencia Creek must be able to carry this increased flow, but in its current condition Lower Penitencia Creek does not have the capacity to convey the 100 year flood event flows. The Santa Clara Valley Water Districts' planned project is necessary to provide continued flood protection to the homes and businesses currently protected along the one mile study limit of Lower Penitencia Creek, including the Project site. At completion of improvements for both the Lower Penitencia and Berryessa Creek projects, the Santa Clara Valley Water District will update the Federal Emergency Management Agency flood insurance maps accordingly. However, given that this flood control project has not been implemented as yet, it is not part of the existing baseline conditions, and is not accounted for in the following analysis. If implemented, the SCVWD's Lower Penitencia Creek would improve flooding conditions as compared to the existing conditions described below.

Current FEMA Flood Elevation at the Project Site

The entire Project site is indicated as being inundated by the Special Flood Hazard Area Zone AH.[15] FEMA has established the Base Flood Elevation at the Project site as being at 15.0 feet North American Vertical Datum (NAVD). The Project site lies adjacent to Lower Penitencia Creek. The FEMA Flood Insurance profile indicates that the effective 100-year flood water surface elevation adjacent to Lower Penitencia Creek at the Project site is 13.0 feet NAVD. Therefore, the Zone AH base flood elevation is the more conservative of the two measurements.

Schaaf & Wheeler Updated Hydrology Study

Schaaf & Wheeler has recently completed a detailed flood analysis for the Berryessa Creek and Upper Penitencia Creek systems, based on a combined HEC-RAS and FLO2D model. This model was submitted to the City of Milpitas in the summer of 2013 and has been released by the City for use by developers. It represents the best available floodplain information, but may not be the same as the effective FEMA Flood Insurance Rate Maps in the area which, while dated February 19, 2014, relies on data from the 1970s. The updated hydrology and hydraulics that form the basis for the FLO2D model have not yet been approved or adopted by FEMA.

The Schaaf & Wheeler Hydrology Memorandum prepared for this Project using the updated hydrology model indicates that, during a 100-year storm event, water approaches the Project site from the south as a result of spills from Upper Penitencia Creek upstream of Highway 680 and spills from both Lower Penitencia Creek and Berryessa Creek. Flood flow reaching the site backs up along I-880 and the levee

[14] Santa Clara Valley Water District, Lower Penitencia Creek Improvement Project, accessed at http://www.valleywater.org/Project/LowerPenitenciaCreek.aspx

[15] AH – High flood risk. Base flood elevations have been determined. Flood insurance is mandatory and local floodplain development codes apply. These properties have a 1 percent annual chance of shallow flooding, usually in the form of a pond, with an average depth of one to three feet.

along the left bank of Lower Penitencia Creek just before its confluence with Coyote Creek. This flow restriction results in a fairly level water surface elevation along California Circle, with water depths of approximately 2 feet at the Project site, corresponding to a water surface elevation ranging from 13.9 to 14.5 feet NAVD. Flow is impeded through the Project site by the presence of the large existing building positioned perpendicular to the direction of the floodwaters. Water flows through the site via the parking lot to the south and west of the structure before continuing down California Circle and backing up behind the onsite building.

Mitigation Measures

> **Mitigation Measure Hydrology-4: Raising the Base Elevation.** To reduce the risk of flood hazards to acceptable levels and to comply with current flood hazard regulations, the proposed Project will raise the base elevation of the Project site by approximately three feet, such that final on-site grades will be at or above 15 feet NAVD, and therefore the Project site will be at an elevation above the floodplain. Furthermore, the Project's finish floor elevations will be at minimum elevation of 16 feet NAVD or higher to meet the City of Milpitas Flood Ordinance requirements that finish floor elevations be at least one foot above the FEMA base flood elevation.

With implementation of Mitigation Measure Hydrology-5, the Project site will be raised to an elevation which is above the most conservative FEMA-designated floodplain, and finish floor elevations will be raised such that they meet or exceed the City of Milpitas' Flood Ordinance requirements. This mitigation will reduce on-site flooding impacts to a less than significant level such that the Project will not result in people or structures being exposed to significant flood risks.

Dam Failure, Seiche, Tsunami or Mudflow

> **Hydrology-5**: The Project site is not subject to inundation by seiche, tsunami or mudflow, but could 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. However, this impact would be reduced through implementation of the Project's proposed mitigation to raise the base elevation of the site. (**Less than Significant with Mitigation**)

Based on the Association of Bay Area Governments (ABAG) dam failure inundation hazard maps, large portions of the Santa Clara Valley are located in the Lexington Reservoir dam failure inundation hazard zone. The Project site is outside of this inundation hazard zone. There are no landlocked bodies of water near the Project site that will affect the site in the event of a seiche. There are no bodies of water near the Project site that will affect the site in the event of a tsunami. The project area is flat and there are no mountains near the site that will affect the site in the event of a mudflow. These impacts would be less than significant.

Levee Failure

The earthen levee adjacent to the Project site and along westerly bank of Lower Penitencia Creek is within the Santa Clara Valley Water District easement and has not been accredited by FEMA. However, this levee was built to approximately the same elevation as the levee on the easterly bank of Lower Penitencia Creek downstream of the confluence with Berryessa Creek, which has been accredited by FEMA. The levee adjacent to the Project site is not the only unaccredited levee within the Lower Penitencia and Berryessa Creek network.

The detailed flood study prepared by Schaaf & Wheeler for the Project used a combined HEC-RAS and FLO2D model (which represents the best available floodplain information, but not yet been approved or adopted by FEMA), and accounts for the potential failure of the levee adjacent to the Project site as part of its base flood elevation estimate. As such, it represents the worst case scenario for flooding at the

Project site based on levee failure and overtopping, and results in a water surface elevation ranging from 13.9 to 14.5 feet NAVD at the Project site. Existing on-site elevations range from approximately 25 feet at the southeastern corner of the Project site to approximately 11 feet along the northern boundary, and flooding resulting from levee failure would inundate portions of the site by as much as nearly 4 feet.

Mitigation Measures

> **Mitigation Measure Hydrology-5A: Raising the Base Elevation** (see detailed discussion of MM Hydro-4, above)
>
> **Mitigation Measure Hydro-5B: Removal of Non-Permitted Improvements on the Levee.** Certain existing tees, irrigation, lighting and stairs observed on the existing levee appear to have been installed without a District permit, and shall be removed so as not to adversely affect the levee structure.

With implementation of Mitigation Measure Hydrology-5A, the base elevations of the Project site will be raised to a minimum of 15 feet, higher than the most conservative water surface elevation under a levee failure condition. This mitigation, together with MM Hydro-5B, will reduce on-site flooding impacts resulting from levee failure to a less than significant level such that the Project will not result in people or structures being exposed to significant flood risks.

Additionally, the Project has been designed to provide a 15 foot setback from the existing levee toe to facilitate the District's future flood protection project along Lower Penitencia Creek, future maintenance, flood fighting activities, and protection of the floodwall.

Redirecting of Flood Flows

> **Hydrology 6**: The Project would place structures and fill within a 100-year flood hazard area that could have the potential to affect the flood elevations in the area or upstream, or redirect flood flows. This impact would be reduced through implementation of mitigation pursuant to Milpitas Floodplain Management Regulations that require no increase in the base flood elevation during the occurrence of the base flood discharge. (**Less than Significant with Mitigation**)

As proposed, the ground surface of much of the Project site will be raised to remove the finished floor elevations of future residences a minimum of 1 foot above the base flood elevation, consistent with City of Milpitas Flood Ordinance requirements. However, Milpitas Municipal Code requirements (section XI-15-5.6 of the Floodplain Management Regulations) prohibit encroachments (including fill, new construction, substantial improvement, and other new development) unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

Mitigation Measure

Since significant changes are proposed to be made to existing grade and development is planned within the floodplain, the following mitigation measure (required by the Municipal Code) shall be implemented:

> **Mitigation Measure Hydro-6: Flood Plain Analysis**. Prior to approval of a grading plan for the Project, a flood plain analysis shall be prepared to delineate the post-development flood plain depth and lateral extent.
>
> 1. The flood plain analysis shall be certified by a registered professional engineer or architect, and submitted to the City for review and approval, and the Santa Clara Valley Water District for review.

2. The analysis shall demonstrate that the Project will not increase the 100 year water surface elevation on surrounding properties, nor shall it increase the lateral extent of flooding.
3. The analysis shall also demonstrate that cumulative impacts to the base flood elevation, taking into consideration all nearby development, will be less than one foot.
4. To the extent necessary to achieve the performance standards identified above, site improvements (grades, roadways, buildings, etc.,) shall be designed to allow for the passage and storage of flood water within the site.

With required implementation of City of Milpitas Floodplain Management Regulations as described in Mitigation Measure Hydro-6, the Project will not affect the flood elevations in the area or upstream, or redirect flood flows.

X. LAND USE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	☐	☐	☐	☒	1, 2,
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1, 2, 12
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1, 2, 4

Environmental Setting

The approximately 9.45acre Project site at 1210 California Circle is comprised of one legal parcel, (APN 22-37-017) located on the east side of California Circle, south of Dixon Landing Road in the City of Milpitas. The Project site is relatively flat and is located in a mixed-use area of industrial, commercial, and residential land uses. The Project site is currently developed with an approximately 120,500 square foot light industrial/office/warehouse building, surrounded by a surface parking lot and perimeter landscaping. The building has been vacant since 2012. The east edge of the site borders Lower Penitencia Creek with earthen levees on both sides. Land uses and the physical condition of the easternmost 80 feet of the Project site are subject to restrictions and limitations imposed pursuant to an easement held by the Santa Clara Valley Water District. A residential community of small lot mid-density condominiums and townhouses occupies the area east of the creek.

Existing General Plan Land Use Designations and Zoning

The Project site is currently designated *Industrial Park* in the General Plan (see **Figure 18**), and zoned *Industrial Park* with Site and Architectural Overlay and a PUD permit (PUD 31). The *Industrial Park (INP)* General Plan designation is intended for research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

The *MP – Industrial Park zoning* (Section 7.0 of the Zoning Code) is intended to accommodate a limited group of research, professional, packaging and distribution facilities and uses which may have unusual requirements for space, light, and air, and the operation of which are clean and quiet. The current zoning has a maximum floor area ratio (FAR) of 0.50. The existing PUD on the site, PUD-31, was approved for the business park when it was originally developed.

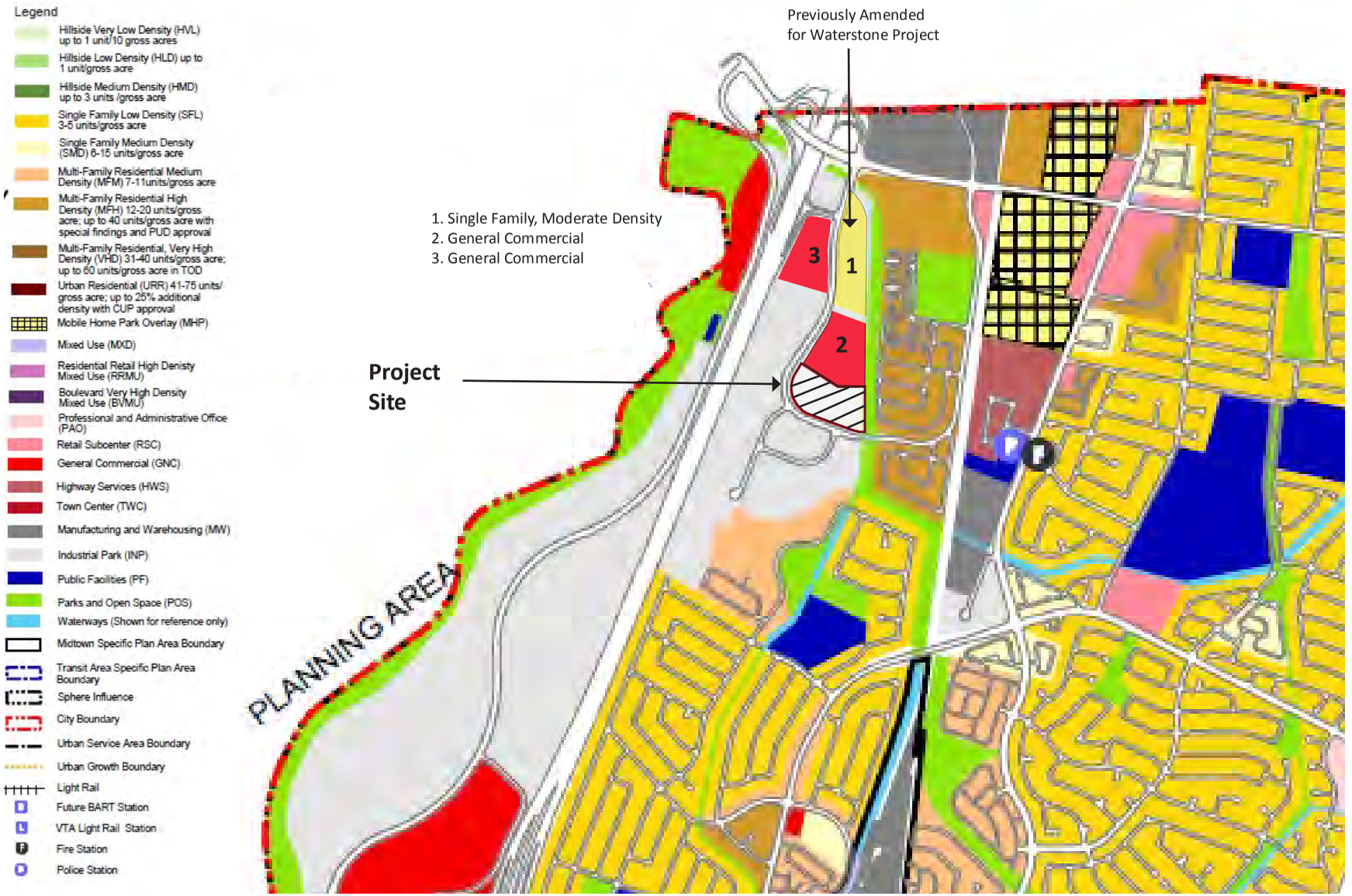

Figure 18
Existing General Plan Land Use Diagram

Source: City of Milpitas General Plan

Proposed General Plan Land Use Designations and Zoning

The Project proposes to change the General Plan land use designation of the Project site from *Industrial Park* (INP) to *Residential – Multifamily High*, and to change the zoning from *MP* (Industrial Park) with Site and Architectural Overlay to an *R-3* residential classification with a new *Planned Unit Development* permit consistent with the Project's proposed subdivision and design.

The definition and description of the proposed Multi-Family High Density General Plan land use designation would accommodate a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses and walk-up garden apartments. Densities of 12 to 20 units per gross acre are permitted, and densities of up to 40 units per gross acre may be permitted for proposals designed as Planned Unit Developments (PUDs) provided that the following criteria are met:

- Sewer and water service is sufficient to accommodate the proposal as well as other developments permitted by the General Plan. Any improvements to the sewer or water system that would be required to accommodate any such higher density proposals would be made conditions of project approval;
- Cumulative traffic, from the increased density and other existing or future projects, must not cause any street intersection to operate below Level of Service (LOS) E; and
- The design of such higher density projects will not have adverse shadow, view obstruction or loss of privacy impacts that are not mitigated to acceptable levels.

The R-3 zoning classification permits multi-family dwellings of three or more units at densities of 12 to 20 units per gross acre. Given the size of the Project site (at 8.5 gross acres, not including the approximately 1-acre SCVWD easement), the Project site could potentially allow up to 170 lots. The Project is proposed at 148 dwelling units (or approximately 17.4 units per gross acre), within the densities permitted in both the R-3 zoning and the Multi-Family High Density General Plan land use designation.

General Plan Policies

The Land Use Element of the City's General Plan includes "Guiding Principles" and "Implementing Policies" in four major policy areas:

a. Land Use
b. Jobs/Housing Relationship
c. Schools
d. Public Facilities and Utilities

The Implementing Policies within Section (a) Land Use address 13 topical or geographical areas, listed below:

- Development Intensity
- Growth and Expansion
- Economic Development
- Land Use Compatibility
- Fiscally Beneficial Land Use
- Community Identity
- Residential Development
- Hillside Development
- Town Center

- Midtown
- Transit Area
- Childcare
- Land Use Element Revision

Discussion of the proposed Project's consistency or inconsistency with relevant policies in the General Plan is presented below.

Impact Analysis

Physically Divide an Established Community

> **Land Use-1**: The Project would not physically divide an established community (**No Impact**)

New development or other physical structures, such as a freeway or very large vertical structure (e.g., a hospital or a school) may adversely divide an established community if it results in a street closure, obstructs other established patterns of travel (e.g., foot, bicycle, etc.) or is especially inconsistent with its surroundings. The Project involves a 9.5-acre site previously developed for a light industrial/R&D land use with surface parking, site landscaping, with excellent access from California Circle and other higher-volume streets. The Project site is within an existing light industrial business park, well integrated within the City. Converting the light industrial site to residential use, as proposed, would not physically divide an established community.

Conflict with any Applicable Land Use Plan, Policy or Regulation

> **Land Use-2**: The Project would not 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. (**Less than Significant**)

The main focus of this significance criterion in identifying the existence and severity of potentially significant impacts is to consider whether and to what extent a project would be consistent or inconsistent with an applicable land use plan, policy or regulation. In accordance with this language, where an inconsistency with a plan, policy or regulation is identified, it is considered to be a potentially significant *environmental* impact only when the plan, policy or regulation was adopted "…for the purpose of avoiding or mitigating an environmental effect."

The discussion below evaluates the Project's consistency with applicable policies of the Milpitas General Plan *that have been adopted for the purpose of avoiding or mitigating an environmental effect.* The following assessment provides substantial evidence related to environmental impacts associated with aspects of the Project that are inconsistent with the General Plan.

As stated above, the Land Use Element of the General Plan includes four "Guiding Principles" and 13 "Implementing Policies." Of the Implementing Policies within the Land Use section, only the four categories shown in ***bold Italic font*** below plus one policy from the Public Facilities and Utilities section appear to possibly have been adopted for the purpose of avoiding or mitigating environmental effects:

- **Development Intensity**
- Growth and Expansion
- Economic Development
- **Land Use Compatibility**

- Fiscally Beneficial Land Use
- **Community Identity**
- **Residential Development**
- Hillside Development
- Town Center
- Midtown
- Transit Area
- Childcare
- Land Use Element Revision

Table 2 below provides a framework for distinguishing principles and policies of the General Plan that appear to have been adopted for the purpose of avoiding or mitigating environmental effects from principles or policies that address other aspects of land use such as fiscal, economic or other concerns.

Table 2. General Plan Consistency			
Identifier	**Text**	**Adopted to Avoid or Mitigate Environmental Effects? Y/N**	**Consistent or Inconsistent?**
Land Use – Guiding Principles			
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.	**No;** concerned with maintaining the City's role in the region as a desirable industrial center.	**Inconsistent**. While the Project would reduce industrial land use, the inconsistency would not involve an environmental effect.
2.a-G-2	Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.	**No;** concerned with economic efficiencies that result from compact and mixed-use development and the economic value of locating industrial & commercial uses near residential.	**Consistent.** The project's proposed density and its proximity to industrial & commercial uses are consistent with this principle.
2.a-G-3	Provide for a variety of housing types and densities that meet the needs of individuals and families.	**No;** concerned with the social value and benefit of matching housing types and sizes with the demographic profile of Milpitas residents.	**Consistent:** The Project proposes a range of unit sizes appropriate for families: 2, 3 and 3+ bedroom units.
2.a-G-4	The Town Center will be the "heart" of Milpitas' civic, cultural, business, and professional life.	**No.** Concern is with community identity.	**N/A:** neither consistent nor inconsistent.
2.a-G-5	A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system	**Indirectly Yes.** Concern is with the arrangement of land uses near each other for aesthetic	**Consistent:** The Project site is located near parks and schools

Table 2. General Plan Consistency			
Identifier	**Text**	**Adopted to Avoid or Mitigate Environmental Effects? Y/N**	**Consistent or Inconsistent?**
	laced throughout all living areas.	benefits and meeting everyday social needs. The indirect environ-mental benefits include reducing auto trips, air pollution, GHG emissions and energy consumption.	and would have significant open space internally and would be adjacent to Lower Penitencia Creek greenway open space and recreational amenity.
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.	**No.** Concern is with the economic and social success of the Midtown Specific Plan	**N/A:** neither consistent nor inconsistent.
2.a-G-7	When considering development proposals, seek "community benefit", such as upgrading infrastructure facilities, constructing new infrastructure facilities, and funding.	**No.** Concern is that new development 'pay its way' and not burden existing residents of Milpitas with the cost of expanding or upgrading infrastructure needed by the new development.	**Consistent:** the Project would pay school and other impact fees to offset infrastructure and other 'off site' costs of the proposed Project.
Land Use - Development Intensity			
2.a-I-1	New developments should not exceed the building intensity limits established in the General Plan.	**Yes.** Density limits in the General Plan aim to avoid environmental impacts that could result from excessive density or intensity of use.	**Consistent:** The Project would be consistent with density limits under the Multi-Family High land use category and R-3 zoning.
2.a-l-2	Land use conversions from employment/sales tax generation properties to residential shall only be considered once there is 80% build-out in the Midtown and Transit Area Specific Plans.	**No.** The intent of this policy is to focus residential development in the two specific plan areas for fiscal and economic reasons, not environmental.	**Inconsistent.** Midtown and TASP are only 47 and 19 percent built-out, respectively. This is not an environmental impact.
Land Use Compatibility			
2.a-l-11	Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for industrial uses, only limited ancillary and incidental commercial uses, such as small	**Indirectly, Yes.** The apparent intent of this policy is to preserve the primacy of industrial uses over commercial or office uses for economic and fiscal reasons. Indirect environmental benefits include	**Consistent.** The project would bring residential uses into close proximity to existing industrial & commercial uses.

Table 2. General Plan Consistency			
Identifier	**Text**	**Adopted to Avoid or Mitigate Environmental Effects? Y/N**	**Consistent or Inconsistent?**
	eating establishments, may be permitted when such are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.	reduced auto trips, air pollution, GHG emissions and energy consumption.	
2.a-l-12	Consider conversion from one employment land use to another, where the conversion would retain or expand employment capacity and revenue generation, particular for intensification on-site if the proposed conversion would result in a net increase in revenue generation.	**No.** The apparent **c**oncern of this policy is to protect and enhance the employment base and fiscal health of the City.	**Inconsistent.** The Project would convert employment land to residential use, resulting in a likely reduction in revenue generation. This is not an environmental impact.
2.a-l-13	When considering land use conversions from commercial or industrial lands to residential, the City should contemplate substantial economic benefit through negotiable development agreements with contributions towards the Economic Development Corporation to spur economic development.	**No.** The apparent **c**oncern is protecting and enhancing the fiscal and economic benefits to the City and the City's population.	**N/A: Neither consistent nor inconsistent**. The details of negotiations between the City and the Project proponent are outside the bounds of the CEQA process and would not result in an environmental impact.
2.a-l-14	When new uses are proposed in proximity to existing industrial uses, incorporate conditions upon the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site. Prohibit social organization uses within industrial areas. Consider these uses in other areas in the City.	**Yes.** The proposed new residential development would be adjacent to existing light industrial land uses, potentially resulting in adverse environmental effects.	Consistent. Mitigation measures included in this Initial Study would reduce potential impacts to less than significant levels.
Land Use - Residential Development			
2.a-l-18	Create a park-like quality for all residential areas through the PUD process and the judicious siting of parks, schools and greenways throughout those areas.	**Indirectly Yes:** This policy is **c**oncerned with the arrangement of land uses near each other for aesthetic benefits and for meeting everyday social needs. The indirect environmental benefits include reducing auto trips, air pollution, GHG emissions and energy	**Consistent:** The Project site is located near parks and schools and would have significant open space internally and would be adjacent to Lower Penitencia Creek which is an open space greenway and

Table 2. General Plan Consistency			
Identifier	**Text**	**Adopted to Avoid or Mitigate Environmental Effects? Y/N**	**Consistent or Inconsistent?**
		consumption.	recreational amenity.
2.a-l-19	Use zoning for new residential developments to encourage a variety and mix in housing types and costs.	**No;** This policy is concerned with the social value and benefit of matching housing types and sizes with the demographic profile of Milpitas residents.	**Consistent:** The Project proposes a range of unit sizes appropriate for families: 2, 3 and 3+ bedroom units.
2.a-l-20	Geographically disperse similar development types throughout the community so that denser districts are not concentrated within a single area of the City.	**Yes:** The apparent concern is avoid over-concentration of the same development types in one area and, instead, to disperse residential uses evenly throughout the City with associated reductions in auto trips, air pollution, GHG emissions and reduced use of energy.	**Consistent.** The Project would place residential uses in close proximity to existing light industrial / office / R&D uses.
Public Facilities and Utilities			
2.d-I-3	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.	**Yes:** The apparent concern is to avoid allowing new development to over burden public services and facilities or reduce service levels. This policy helps avoid or mitigate environmental as well as fiscal and economic impacts.	**Consistent.** The Project's effects on public services and utilities are less than significant (See Sections XIV and XVII in this Initial Study).

As noted above in **Table 2**, the Project would be inconsistent with Policy 2.a-I-2 cited above because the Midtown and Transit Area Specific Plan areas are only 42 and 19 percent built out, respectively, at this time.[16] However, this policy is concerned with fiscal and economic considerations and not with avoiding or mitigating environmental effects. As indicated in the other sections of this Initial Study, all potentially significant environmental effects of the Project would be less than significant, either outright or after mitigation and the Project would not displace existing businesses or industrial uses. Several of the surrounding light industrial buildings are either vacant or have been re-purposed to accommodate religious or educational uses, not light manufacturing or R&D or office uses. Further, the City of Milpitas has recently approved the conversion of other nearby sites on California Circle from the same Industrial/Business Park General Plan designations to Residential use, similar to what is proposed for the Project. Thus, while the Project would be inconsistent with Policy 2.a-1-2, the inconsistency does not result in a potentially significant impact.

The project site is located in an existing industrial area that is adjacent to and in close proximity to existing residential land uses. As a result, these uses have already been deemed compatible with the industrial land uses in the area. Conversion of industrial lands to residential on the proposed site would

[16] From an Excel file maintained by City of Milpitas Planning Department entitled *Unit Counts for Midtown and TASP*, as of August 14, 2014.

not result in incompatible land uses or operational restrictions on existing or new industrial businesses to any greater extent than the existing housing to the south and quasi-public uses within the business park. The project could, however, make the remaining industrial buildings and the Dixon Landing Business Park less desirable for new or existing businesses by placing housing on California Circle, which is now currently a non-residential street.

As indicated in Table 2, the Project would be consistent with all General Plan policies intended to avoid or mitigate environmental effects. Where inconsistencies exist between the proposed Project and General Plan policies, the inconsistencies are not with policies adopted for the purpose of avoiding or mitigating environmental effects.

Conflict with an HCP

> **Land Use-3:** The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan. (**No Impact**)

The project site is in a developed urban area and is not subject to any adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP).

XI. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1, 4

Environmental Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount 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 in the low-lying areas. All known mineral resources (aggregate materials) are located in the foothills east of Highway 680.[17]

Impact Analysis

Mineral Resources

> **Minerals-1**: The Project would not 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, nor would it 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. (**No Impact**)

The proposed Project is within a developed urban area and does not contain any known or designated mineral resources. Implementation of the Project would not result in the loss of availability of any known resources.

[17] City of Milpitas General Plan. Figure 4-5.

XII. NOISE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1, 6, H
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 6, H
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 6, H, I
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	1, 6, H
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, 6, 16
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, 6, 16

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Charles M. Salter Associates, Inc., *Draft Environmental Noise Assessment 1210 California Circle*, August 7, 2014

Environmental Setting

The most widespread and continual source of noise in Milpitas is transportation and transportation-related facilities. Freeways, local arterials, railroads, and light rail transit are all major contributors to noise in Milpitas. The major noise source affecting the Project site is traffic noise from I-880 and California Circle.

To quantify the existing noise environment, three long-term monitors continuously measured noise levels between July 15 and 17 2014. In addition, two short-term "spot" measurements were conducted and compared with corresponding time periods of the long-term monitors to determine how noise levels vary at different elevations (see **Figure 19**). The average “day - night sound level” (DNL) long term exterior noise levels ranged from a low of 59 dB at the northeast corner of the site to 63 dB at the southeast corner to a high of 67 dB at the northwest corner, closest to the I-880 freeway. Under the Noise Element of the City of Milpitas General Plan and the City’s Noise ordinance, exterior noise levels averaging 65 dB or below are considered acceptable for residential development; average noise levels between 60 and 70 dB are considered “conditionally acceptable.”

Based on the traffic analysis prepared for this Initial Study, peak hour traffic volumes along Dixon Landing Road are projected to increase by approximately 4 percent per year to the year 2035. This increased traffic is projected to increase traffic noise by approximately 2 decibels over the next ten years. The estimated future noise levels across the site range form are also shown on Figure 19.

Thresholds of Significance

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA Ldn or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA Ldn or greater is considered significant.

The Noise Section of the Milpitas General Plan contains land use compatibility guidelines for environmental noise. The guidelines for multi-family residential land uses are as follows:

- Normally acceptable exterior noise levels are those in the range of 65 dB (DNL) or less
- Conditionally acceptable noise levels range from 60 to 70 dB)DNL), and
- Normally unacceptable noise levels exceed 70 dB (DNL).

The 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. General Plan policies related to acceptable noise levels as provided in the General Plan would apply to the Project. These include:

Policy 6-I-2: Require an acoustical analysis for projects located within a “conditionally acceptable” or “normally unacceptable” exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.

Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the “normally acceptable” levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

Figure 19
Noise Measurement Locations and Modeled Future Noise Conditions

Source: Charles M. Salter Associates, August 4, 2014

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.

Impact Analysis

Noise Levels in Excess Of Standards

Noise-1: The Project could expose persons to, or generate noise levels in excess of standards established in the Milpitas General Plan or noise ordinance, but mitigation measures recommended for the Project would reduce this impact to a less than significant level. (**Less than Significant with Mitigation**)

As indicated in the Salter Noise Assessment, estimated exterior future noise levels range from DNL 61 dB along the eastern edge of the site to DNL 69 dB at the westernmost residences along California Circle. These noise levels fall into the *normally acceptable* and *conditionally acceptable* categories for land use compatibility.

Exterior Noise Exposure

Noise levels in outdoor spaces will vary, depending on the location and orientation on site. The Creek parkway along the eastern border of the site, the community park in the southeastern corner of the site, and the interior courtyards and paseos adjacent to the buildings will have a noise exposure of between 61 and 65 dB, with the shielding provided from the future residential buildings. This falls within the City's normally acceptable category for residences, and no additional mitigation is required.

Interior Noise Exposure

Exterior noise levels above 65 dB can expose future residents to interior noise levels above 45 dB, which would be above acceptable levels required by the City's noise ordinance.

Mitigation Measures

To address these noise levels at the Project site, the following mitigation measures are recommended:

Mitigation Measure Noise-1A. **Require an Acoustical Engineer to Design and Specify Appropriate Noise Attenuation Measures.** Prior to approval of building permits, a qualified acoustical consultant shall review final designs for floor plans and exterior elevations for construction to calculate expected interior noise levels as required by City policies and State noise regulations. The design must be able to assure that interior noise levels will be 45 dBA or lower. It is expected that window and door assemblies will be required to a meet sound transmission class (STC) rating of class 32 or greater for all rooms facing California Circle, and STC 28 for windows and exterior doors in all other locations to assure indoor noise levels at DNL 45 dB or lower.

1. The acoustical consultant shall identify and include on the plans and specifications for the Project the specific noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) that are to be applied throughout the Project.
2. The designs and specifications of the acoustical consultant shall be submitted to the City as part of the construction documents submitted for building permits and shall be reviewed and approved by the City prior to issuance of building permits.

3. All noise insulation treatments identified during review of the final plans will be incorporated into the proposed project.

Mitigation Measure Noise-1B. **Require Mechanical Ventilation.** Since windows of residences will need to be closed to meet the interior DNL 45 dB criterion, all houses shall be equipped with mechanical ventilation systems. Such systems shall be designed by the project mechanical engineer and shall utilize equipment that does not compromise sound insulation of the exterior assemblies.

Implementation of Mitigation Measures Noise-1A and Noise-1B would assure that interior noise levels in the future residences would be at or below 45 dB, consistent with the standards adopted for the City of Milpitas, and would reduce the impact to level of less than significant.

Groundborne Vibration

Noise-2: The Project would not expose persons to, or generate excessive groundborne vibration or groundborne noise levels. (**Less than Significant**)

There is no reason to anticipate that the Project would generate excessive groundborne vibration or that future residents of the Project would be exposed to excessive groundborne vibration from other sources. Potential impacts related to groundborne vibration would be less than significant.

Permanent Increase in Ambient Noise Levels

Noise-3: The Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (**Less than Significant**)

Changes in average exterior noise levels would most likely result from cumulative increases in traffic on nearby roadways and the I-880 freeway. The Hexagon Traffic Impact Analysis provides existing peak hour volumes for vehicles along California Circle and both existing and projected future volumes for Dixon Landing Road. Along Dixon Landing Road, peak hour traffic volumes are projected to increase by approximately 4 percent per year to the year 2030. The Salter Noise Assessment states that this level of increased traffic would translate to a less than 2-decibel increase in traffic noise over the next ten years. The Salter study also assumes a similar rate of future traffic on California Circle and I-880 and that increases in noise levels from those roadways would likewise not exceed a 2 dB increase, cumulatively. It is generally accepted that an increase of 3 dB or more on a permanent or temporary basis at noise sensitive receptors (e.g., future residents of the Project) would be perceptible and would be considered a significant impact. Since the projected effect of increased traffic on a cumulative basis is not expected to raise ambient noise levels greater than 2 dB, the environmental impact of increased traffic noise would be less than significant.

Temporary or Periodic Increase in Ambient Noise Levels

Noise-4: The Project's construction activity would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, but this impact would be reduced to less than significant levels with implementation of required construction noise mitigation measures. (**Less than Significant with Mitigation**)

Changes in ambient noise levels in the vicinity of the Project could occur under two sets of conditions: construction related noise while the project is being built and operational noise generated by future Project residents.

Construction Noise Impacts

Construction activities associated with implementation of the Project would temporarily increase noise levels in the Project vicinity. Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Typical average construction-generated noise levels are about 81 to 89 dB 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 6 dB per doubling of distance between the source and receptor.

Construction of the proposed Project would temporarily increase noise levels in the immediate vicinity of the Project site and would likely be audible at the existing nearby residences.

Mitigation Measures

The following mitigation measure is a required condition of the approval for construction projects in the City of Milpitas:

> **Mitigation Measure Noise-4**. The Project will be required to implement the following noise control measures and comply with Chapter 213 (Noise Abatement) of the City's Municipal Code which regulates construction noise within the City:
>
> 1. Construction and demolition activities shall be limited to the period between 7:00 AM and 6:00 PM Monday through Friday and 9:00 AM to 6:00 PM on Saturdays. No construction or demolition activities are permitted on Sundays or holidays.
> 2. Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.
> 3. The applicant 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 shall respond to and address all complaints about noise.

Compliance with the City's noise ordinance is deemed to reduce construction noise impacts to less than significant levels.

Operational Noise Impacts

The most likely source of potentially significant operational noise from the Project is traffic noise from car trips by future residents of the Project. The Hexagon Traffic Impact Analysis includes an analysis of cumulative traffic and an estimate of how much of future traffic levels would be attributable to a conservatively assumed170-unit residential development. The Hexagon TIA projects that the Project's contribution to future levels of traffic would be less than one percent for each roadway segment evaluated. Translated to potential increases in noise levels, it is generally accepted that traffic levels need to double to cause an increase in ambient (average) noise levels by 3 dB, which is the accepted threshold for a significant noise impact. Since the Project is expected to increase traffic by less than 1 percent, it follows that increases in noise levels would not exceed three dB or more. Therefore, the Project's operations would have a less than significant long-term noise impact on nearby sensitive receptors.

Airport Noise

> **Noise-5**: The Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport or the vicinity of a private airstrip, and would not expose people residing or working in the project area to excessive noise levels. (**No Impact**)

The Project site is not located within an airport land use plan, is not located within two miles of a public airport and is not in the vicinity of a private airstrip. Noise from nearby air strips or airports would have no impact on the future residents of the Project.

XIII. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 16
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 16

Environmental Setting

According to California Department of Finance the population for the City of Milpitas as of January 1, 2014 was 70,092. The population in the 2010 US Census was 66,790 and the average household size was 3.54 persons.[18] The Association of Bay Area Governments (ABAG) projects the population for Milpitas to be 98,100 in 2030.[19] It is estimated that in 2010 the City had approximately 49,900 jobs and an active labor force of approximately 31,480 people.

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

Milpitas currently has a higher number of jobs than employed residents (approximately 1.59 jobs per employed resident) and is projected to continue to have a higher number of jobs than employed residents with full build out under the current General Plan.

Impact Analysis

Induce Population Growth

Population-1: The Project would not 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). (**Less than Significant**)

[18] http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/#DP, accessed July 30, 2014.
[19] http://www.abag.ca.gov/planning/currentfcst/, accessed July 30, 2014.

The Project site has been used since approximately 1987 for light industrial, R&D and office uses. Redevelopment of the site as proposed would replace the existing building and its light industrial/R&D and office space in exchange for an increase in residential units and resident population. As a percentage of the City's population, the increase from the Project would not be substantial (i.e., 0.7 percent). The change in land use would not, by itself, induce substantial population growth (less than significant),

Displacement of People or Housing

> **Polulation-2**: The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, nor would it displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (**No Impact**)

The Project site has not been used for residential purposes in the past and the existing building is vacant; therefore, implementation of the Project would not displace existing housing or people. Implementation of the Project would have no impact related to displacement of housing or people.

XIV. PUBLIC SERVICES

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

Environmental Setting

Fire Protection

Fire protection services are provided by the City of Milpitas Fire Department (MFD). The MFD has four fire stations and an administration facility. The closest fire station to the site is Station No. 3, located at 45 Midwick Drive, approximately 0.40 miles east northeast of the Project site. Station No. 3 is staffed with one engine company comprised of three firefighters including a paramedic and three pieces of fire-fighting equipment: a primary engine (equipped as an ALS unit with emergency medical capabilities), a reserve engine and a wildland unit for use in wildland/urban interface fires.[20]

Police Services

Police services are provided by the City of Milpitas Police Department (MPD). Services are provided from one central station located at 1275 North Milpitas Boulevard. The department currently is authorized to have 85 sworn officers but five of the positions are currently vacant. At current staffing level, the City's police force reflects a ratio of 1.2 sworn officers per 1,000 population.

Schools

The Project site is located within the Milpitas Unified School District (MUSD) which has nine elementary schools, two middle schools, and two high schools. The District serves a student population of approximately 10,250. Students generated by the Project would be served by Marshal Pomeroy

[20] Personal conversation, Richard Frawley, Operations Battalion Chief, Milpitas Fire Department, August 6, 2014.

Elementary School (located approximately 0.80 miles east of the site), Russell Middle School (located approximately 1.00 mile east of the site), and Milpitas High School (located approximately 0.75 miles east of the site).

Libraries

The Santa Clara County Library System consists of eight libraries and two bookmobiles. 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 of the Santa Clara County Board of Supervisors. The Project site is served by the Milpitas Library, located at 160 North Main Street.

Parks

The City of Milpitas owns more than 200 acres of park and recreation facilities. In addition, Ed Levin County Park is partially within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the Project site is Dixon Landing Park, located approximately 0.25 miles northeast of the Project site. Dixon Landing Park is an 11-acre park with four baseball/softball fields, three tennis courts, a basketball court plus barbeques, picnic tables, play equipment and restrooms. In addition, the both levees along Lower Penitencia Creek levee have walking trails.

Impact Analysis

Public Services

> **Services-1**: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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 public services. (**Less than Significant with Mitigation)**

Fire Protection and Medical Emergency Services

The proposed residential development would increase the permanent population of Milpitas and incrementally increase the demand for fire protection and emergency medical services on the Project site. The Project site is located within the urbanized area of Milpitas, which is already served by the Milpitas Fire Department. The Project would be built to applicable Fire Code standards in use when building permits are issued, including sprinklers and smoke detectors. Access to the site for emergency vehicles would be provided from California Circle.

Although the residential Project would incrementally increase demand for fire and related emergency services, it would not require the development of new or expanded fire service facilities, and therefore, would not result in a significant physical impact on the environment.

Police Protection

Assuming a Project of 148 residential units, the Project would increase the population of Milpitas by approximately 524 people and incrementally increase the demand for police protection services. The Project site is located within the urbanized area of Milpitas, which is served by the Milpitas Police Department (MPD). The Project would be constructed in conformance with current codes and the Project design would be reviewed by the MPD to ensure that it incorporates appropriate safety features to minimize criminal activity.

New or expanded police facilities would not be required to provide adequate police services to serve the proposed Project.

Schools

The proposed residential development would increase the permanent population of the City and would, therefore, increase demand on local schools. Using a student generation rate of 0.30 students for each of the 148 new dwelling units, the Project would be expected to generate approximately forty-four (44) students at full build-out, of which thirty-one (31) would be elementary school students (grades K-5), six (6) would be middle schools students (grades 6-8), and seven (7) would be high school students.

The closest elementary school to the Project site is Pomeroy Elementary School located at 1505 Escuela Parkway, approximately 0.5 miles from the Project site. Pomeroy is approaching its capacity limit and by the time students from the Project need school placement the School District may need to modify elementary school catchment or school assignment areas in order to accommodate new students who otherwise would be assigned to Pomeroy. Within the District as a whole, there would be sufficient capacity to accommodate new students generated by the proposed residential Project.

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), codified as California Government Code Sections 65995, 65996(a) and 65996(b), authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities needed to serve new development. The State Allocation Board (SAB) sets fees based on an amount per square foot for residential development, and periodically approves increases in response to inflation. In January 2014, the SAB approved an adjustment in the school impact fee schedule for the MUSD, approving a current rate of $3.36 per square foot of residential development, effective February 12, 2014.

Mitigation Measures

> **Mitigation Measure Services-1A: School Impact Fees**. The Project shall be responsible for payment of required school impact fees.

The California State Legislature has determined that school impact fees shall be the exclusive method of mitigating the school facilities impacts of a project, has set limits on school impact fees, and has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. The courts have held that increased classroom enrollment resulting in school overcrowding is considered a "social" rather than a physical "environmental" impact and is not, in itself, a significant environmental impact requiring mitigation under CEQA (Goleta Union School District vs. Regents of University of California [2d Dist. 1995]). The duty of a lead agency to mitigate school impacts beyond the state-mandated fees arises only where there is a physical environmental impact involved beyond the mere addition of students to a school. Therefore, under current statutes and case law, payment of the required school impact fees would address the impact of the Project on school facilities to the furthest extent permitted by law, and the Project would have a less than significant impact related to school facilities.

Library Facilities

The proposed residential development would increase the permanent population of the City and would, therefore, increase demand on local library facilities. Based on 2010 U.S. Census data, the average household size for the City of Milpitas is 3.54 persons and on this basis, the Project would generate up to approximately 524 new residents. The number of additional residents to the City would not generate a substantial increase in the use of the public library such that a new or expanded library would be required to adequately serve the resident population.

Parks

Based on a Project of 148 townhouse-type residential units and assuming an average household size of 2.86 persons per dwelling, the Project would accommodate a total of 424 new people, which would result in demand for approximately 2.12 acres of parkland, at the City’s ratio of 5-acres per 1,000 population.

The City's Subdivision Ordinance, section 9 (Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes) requires residential developers to dedicate public parkland or to pay in-lieu fees, or both, to offset the demand for neighborhood parks created by the development. At least 60 percent of the parkland dedication/fees must be provided as public parklands.

The proposed Usable Open Space Plan for the Project (**Figure 20**) shows that a total of approximately 1.34 acres of usable open space and 0.48 acres of private open space would be provided on the Project site. The small (0.23-acre) on-site park along California Circle and between Fairview Way and Penitencia Creek would lessen the impact of the Project on public park facilities in Milpitas, but would not satisfy the required amount of public parkland. Public parkland requirements are calculated as 60% of the 2.12-acre park requirement, or 1.27 acres. Furthermore, the location of this park is immediately adjacent to the major roadway and is within an existing storm drainage easement. It location and design may not be accepted as a dedicated public park by the City.

Mitigation Measure

To address the parkland shortfall, the following mitigation measure, consistent with city standards and requirements, is recommended:

> **Mitigation Measure Services-1B:** To conform to the City's park and recreation ordinance (Subdivision Ordinance, section 9), the Project shall dedicate additional public parkland, or pay applicable in-lieu fees, as outlined in the Municipal Code.

Satisfactory dedication of additional land for public parkland and/or payment of the City's in-lieu fees would be considered adequate to avoid or reduce potential impacts to the City's park facilities to a less than significant level.

Figure 20
Project Open Space Plan

0Source: KTGY Group (June 27, 2014)

XV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	1, 4, 8
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1, 4, 8, A

Environmental Setting

The City of Milpitas owns more than 200 acres of park and recreation facilities28. In addition, Ed Levin County Park is partially within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the Project site is Dixon Landing Park, located approximately 0.25 miles northeast of the Project site. Dixon Landing Park is an 11-acre park with four baseball/softball fields, three tennis courts, a basketball court plus barbeques, picnic tables, play equipment and restrooms. In addition, the both levees along Lower Penitencia Creek levee have walking trails.

In addition to parkland, Milpitas has a 24,000 square foot community center located adjacent to City Hall. The community center offers preschool and after school programs as well as youth and adult classes and sports programs.

Impact Analysis

Physical Deterioration of an Existing Park

> **Recreation-1:** The project would not 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, and the Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (**Less than Significant**)

The Project proposes construction of 148 single-family townhouse-type residential units on the 9.45-acre Project site. Using the City's parkland standard of five acres of parkland per 1,000 residents, the proposed development would generate demand for 2.12 acres of parkland. Public parkland requirements are calculated as 60% of the 2.12-acre park requirement, or 1.27 acres. The Project would provide a 0.23 acre open space park (see **Figure 21**).

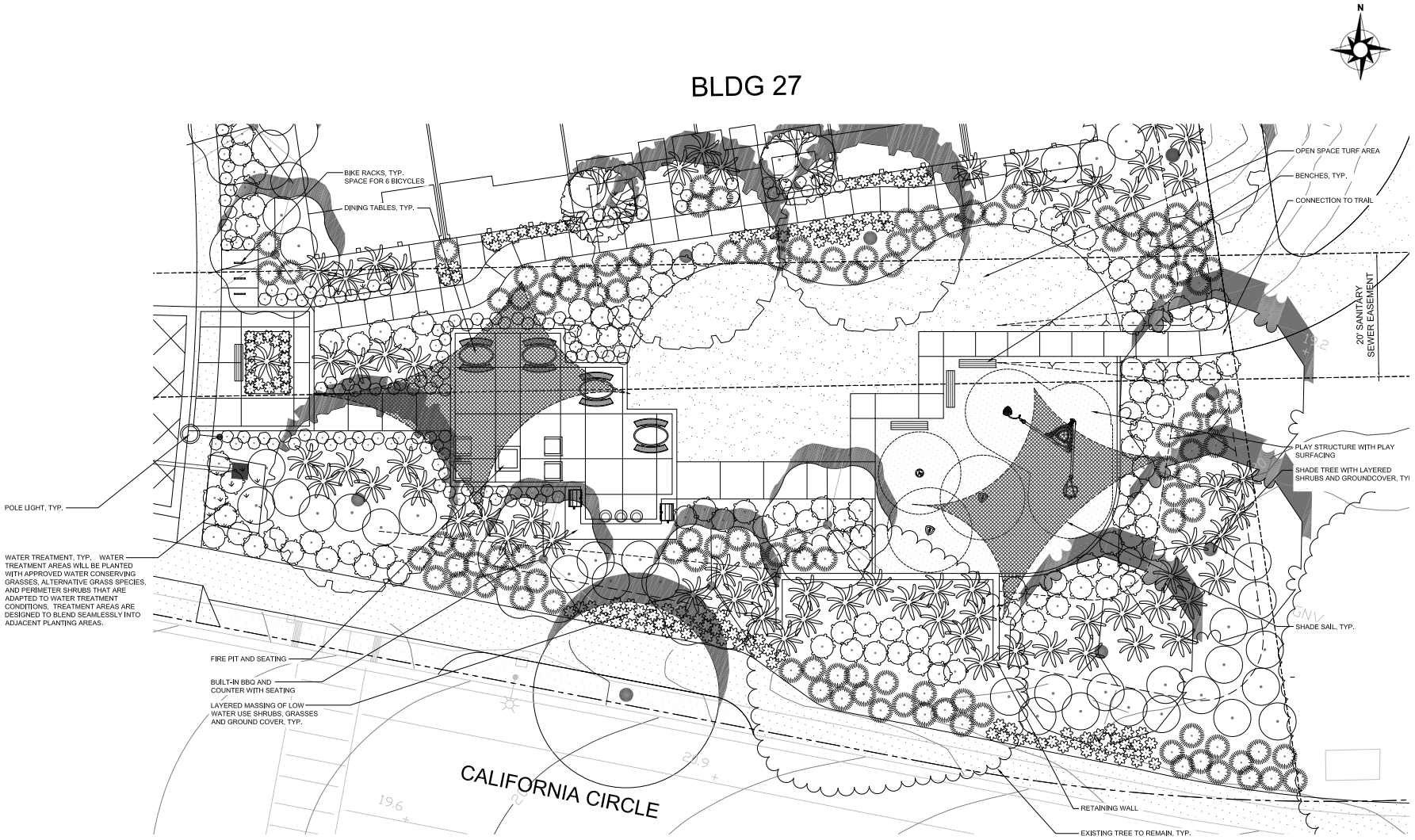

Figure 21
Proposed Park

Source: KTGY Group (August 18, 2014)

Mitigation Measure

Per Mitigation Measure Services-1B, the satisfactory dedication of additional land for public parkland and/or payment of the City's in-lieu fees would be considered adequate to avoid or reduce potential impacts on recreational facilities to a less than significant level.

XVI. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 3, I
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐	1, 3, I
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, I
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, I
5) Result in inadequate emergency access?	☐	☐	☒	☐	1, I
6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	1, I

Introduction

Information and technical conclusions presented in the following section of the Checklist are based primarily on technical reports and studies prepared for the proposed Project, supplemented with other

public information sources as provided in the list of references. The following list of Project technical reports are available for public review at the City of Milpitas Planning Department:

- Hexagon Transportation Consultants, Inc., *Traffic Impact Analysis 1210 California Circle*, July 22, 2014

Environmental Setting

Roadway Network

The Project site is situated in the northwest corner of Milpitas, with regional access provided by Interstate 680 (I-680), Interstate 880 (I-880), and State Route 237. Direct access to the site is provided via California Circle. Other major roadways providing access include Milmont Drive, Dixon Landing Road, Milpitas Boulevard, and McCarthy Boulevard.

Pedestrian and Bicycle Facilities

Existing pedestrian access to the proposed site is provided by a series of existing sidewalks, and crosswalks on California Circle, Milmont Drive, and Dixon Landing Road. All signalized intersections have pedestrian crosswalks and Americans with Disabilities Act (ADA) compliant curb ramps. Adjacent to the Project site, there is a crosswalk at the unsignalized intersection of California Circle and Fairview Way. Bike lanes provide direct access to the Project site on California Circle and Milmont Drive. Bike lanes are also present on Dixon Landing Road on the I-880 overcrossing. A bicycle and pedestrian trail also runs along Lower Penitencia Creek from Dixon Landing Road south to North Abbott Avenue. This trail passes the eastern border of the Project site. **Figure 22** shows the existing bikeways in the Project vicinity.

Transit Service

Both the Santa Clara Valley Transportation Authority (VTA) and Alameda-Contra Costa Transit District (AC Transit) offer transit service in the area. The two bus routes closest to the Project site are VTA route 66 and AC Transit route 217. These stops are approximately 3,500 feet east of the Project site located at Dixon Landing Road and Milpitas Boulevard/Warm Springs Boulevard.

Impact Analysis:

Capacity of the Circulation System

> **Transportation-1**: The Project would not exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (**Less than Significant Impact**)

The Hexagon TIA analyzed traffic impacts based on a ‘worst case” conservative scenario that assumed a Project of as many as 170 residential units, as opposed to the 148 units as currently proposed. At that level of development, the analysis calculated the Project would generate 1,021 daily vehicle trips, with 79 trips occurring during the AM peak hour and 93 trips occurring during the PM peak hour.

At that level of daily and peak hour trips, the TIA found that the study intersections (see **Figure 23**) would continue to operate at acceptable levels of service (LOS D or better) during both the AM and PM peak hours. The TIA identified only the intersection of McCarthy Boulevard/Dixon Landing Road as operating at an unacceptable LOS E conditions under “background” conditions (i.e., without the Project); the additional traffic from the Project was found to not make that intersection substantially worse. Consequently, traffic from the Project would not exceed the capacity of the existing circulation system based on criteria of the City of Milpitas as documented in the Hexagon TIA.

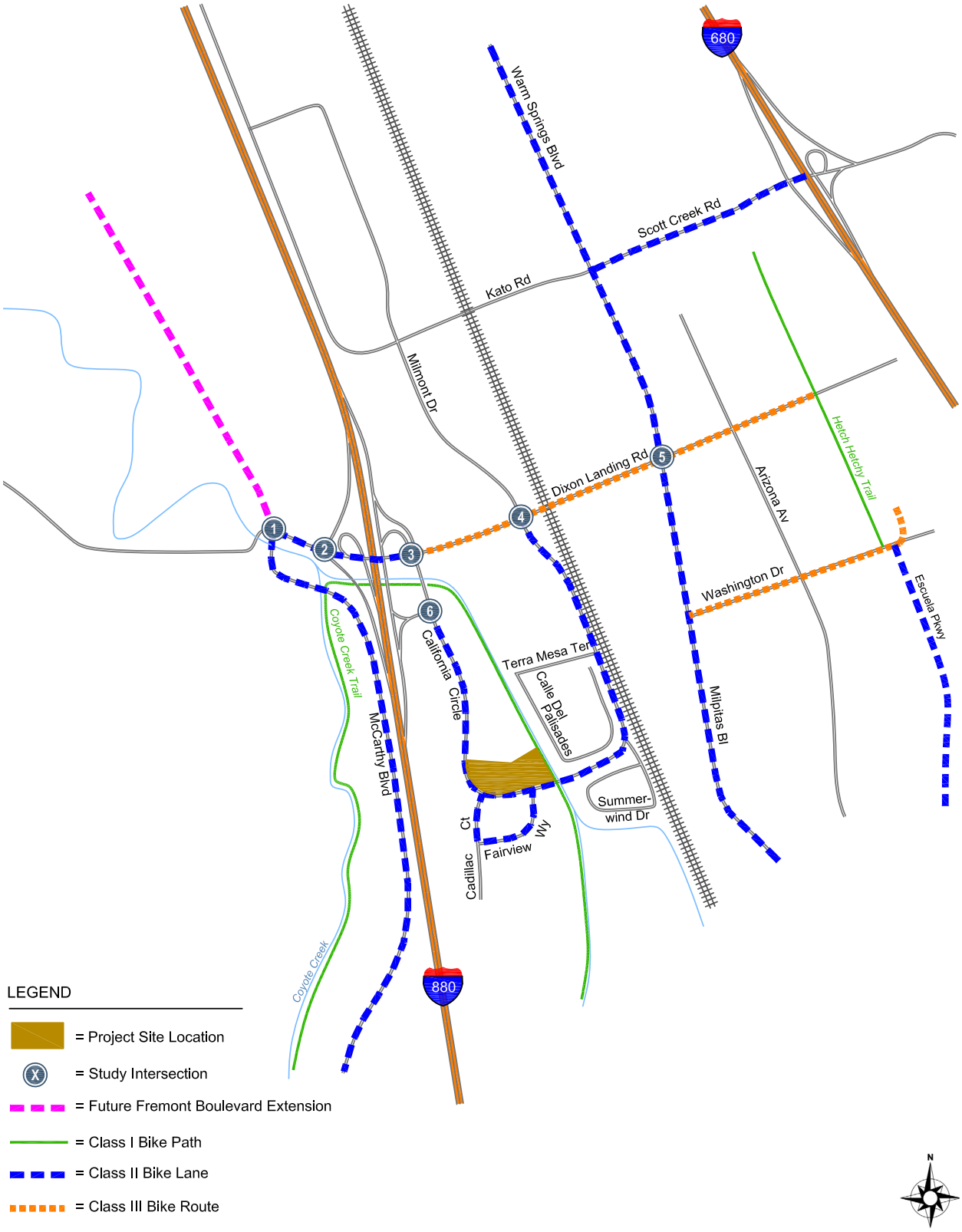

Figure 22
Existing Bikeways

Source: Hexagon (July 22, 2014)

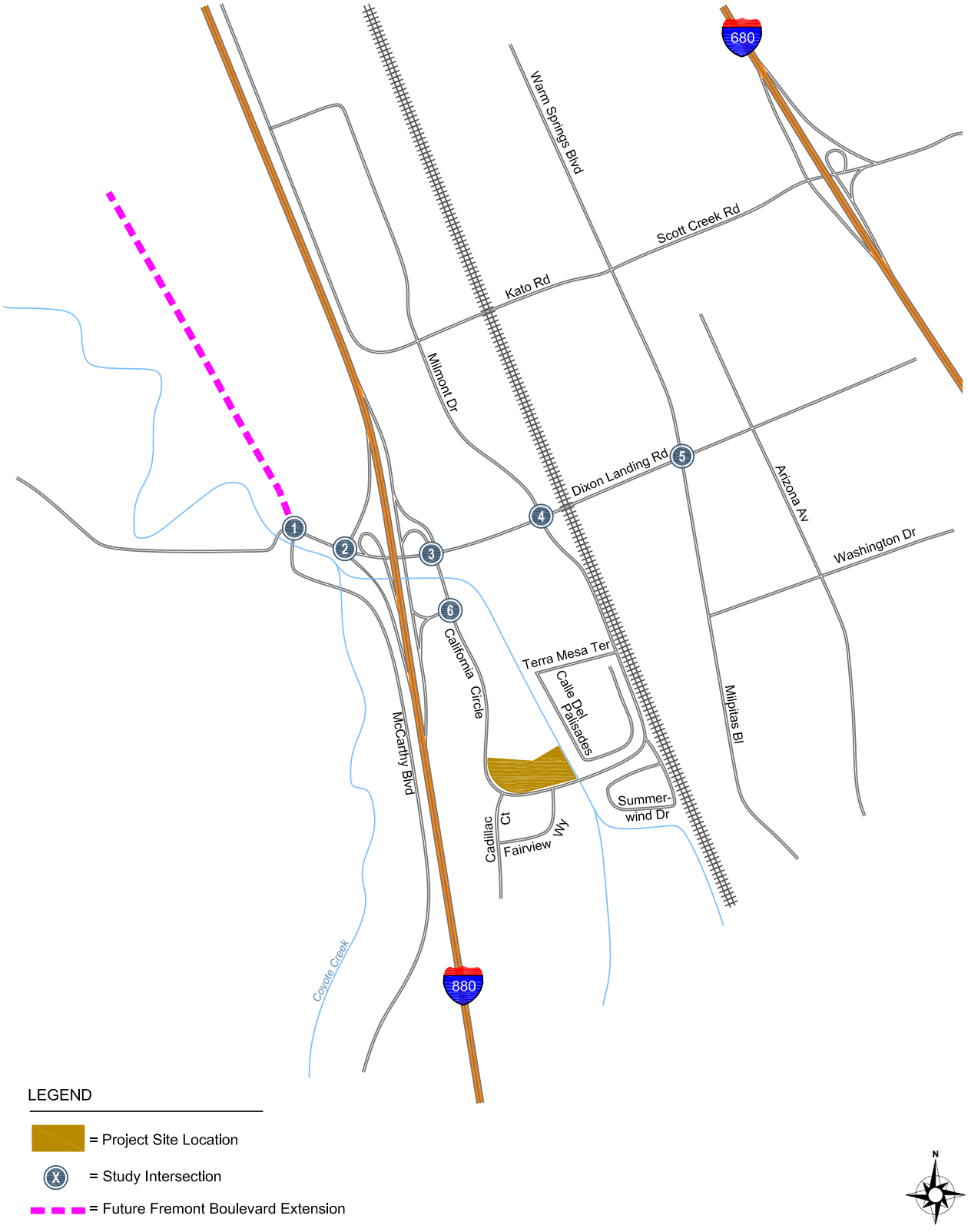

Figure 23
Study Intersections

Source: Hexagon (July 22, 2014)

Conflict with CMP

> **Transportation-2**: The Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways. (**Less than Significant with Mitigation)**

The Hexagon TIA conducted an analysis of signalized intersection level of service for Existing-plus-Project and Background-plus-Project scenarios and found that the proposed Project would not result in any significant impacts pursuant to City of Milpitas or County Congestion Management Program (CMP) guidelines. Only the intersection of McCarthy Boulevard and Dixon Landing Road, which currently operates at LOS E during the AM peak hour, would continue to operate at that same LOS E condition with traffic generated by the Project. The addition of Project trips at this intersection would not result in a significant impact.

The TIA included an analysis of traffic conditions relative to year 2030 conditions with the existing industrial land use and with the proposed residential land use so that the cumulative contribution to future traffic levels of the two different land uses could be compared. Although many of the study segments are projected to operate at LOS E or F during the AM and PM peak hours by year 2030, according to the City of Milpitas roadway segment impact criteria, the proposed land use change to residential would not result in any significant impacts to roadway segments. The net addition of Project traffic would be less than 1 percent for each roadway segment that would operate below its LOS standard.

Calaveras Boulevard Widening Project

The City of Milpitas' Calaveras Boulevard Widening project will widen Calaveras Boulevard from four (4) lanes to six (6) lanes between Town Center Drive and Abel Street within City limits, with pedestrian and bicycle access in each direction, and includes the reconstruction of two bridge structures over North Main Street and two bridge structures over the existing Union Pacific Railroad tracks/future BART alignment.

The Calaveras Boulevard Widening project is included in the Santa Clara Valley Transportation Authority's 2030 Valley Transportation Plan for Local Streets and County Roads Programs, and is listed as the number one priority project necessitated, in part, by future anticipated growth in the Milpitas area. The Project will contribute a share of traffic to this roadway segment.

Mitigation Measures

> **Mitigation Measure Trans-2: Calaveras Boulevard Widening Project TIF.** The Project shall pay its fair share toward the Calaveras Boulevard Widening project through payment of the City established Calaveras Boulevard Widening project Traffic Impact Fee (TIF).

Air Traffic

> **Transportation-3**: The Project would not 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. (**No impact**)

As a proposed 148-unit residential development project located more than five miles from the closest airport, the Project would have no impact on air traffic patterns.

Transportation Safety Hazards

> **Transportation-4**: The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. **(Less than Significant)**

The Hexagon TIA included a review of the proposed onsite circulation and found it to be in accordance with generally accepted traffic engineering standards. The report stated that: "…the proposed plan would provide adequate connectivity through the site for vehicles, bicycles, and pedestrians;" no hazards were identified.

Site Access

The proposed site plan shows one full-access driveway on California Circle, located at the intersection of Fairview Way. In addition, there is an emergency vehicle access (EVA) proposed on California Circle on the western portion of the Project site. The intersection of California Circle and Fairview Way is currently a three-legged intersection with one-way stop control on Fairview Way. After the construction of the proposed driveway, this would become a 4-legged intersection with two-way stop control. The site plan shows that an additional driveway leading to the property to the north of the project site is also proposed. The property to the north will likely be required to connect up to the northern Project site driveway, which will provide an additional access point to the Project site. However, given that it is not yet known when access to enter and drive through the adjacent property would be obtained, this analysis assumes that all traffic would use the California Circle driveway. When additional access to the Project site is provided in the future via the adjacent property to the north and that property's access onto California Circle, that additional access would further benefit access and circulation at the Project site. However, based on the Project's projected trips, the California Circle driveway is adequate to serve the Project site on its own (with the second EVA).

The queuing storage space on the Project's driveway at California Circle would be approximately 100 feet (accommodating approximately 4 vehicles), beyond which vehicles would queue up in the cross aisle on-site. Because traffic volumes on California Circle are fairly low, vehicles exiting and entering the site would typically not need to wait long for a gap in traffic on California Circle, and the driveway would operate with little delay. Inbound left turn queues and outbound driveway queues during the AM and PM peak hours would rarely exceed one or two vehicles.

There is currently a two-way center turn lane on California Circle that ends its intersection with Fairview Way. The existing lane striping on the west leg includes both a receiving lane for vehicles turning left onto California Circle from northbound Fairview Way and, adjacent to that, a receiving lane for westbound through traffic on California Circle. The intersection design would need to provide for eastbound left turns into the project driveway.

Mitigation Measures

None needed.

The Hexagon recommendations, below, are not required as mitigation measures associated with a potentially significant impact, but are recommendations based on professional judgment in accordance with the standards and methods employed by the traffic engineering community.

> **Recommendation Traf-4A: Eastbound Left Turn Pocket.** Install an eastbound left-turn pocket into the proposed site driveway at the intersection of California Circle and Fairview Way. This can be accomplished within the existing right-of-way, and would entail restriping and implementing minor modifications to the existing two-way center turn lane on the west leg of the intersection.

1. The existing cross-section of California Circle immediately west of the intersection at Fairview Way and the Project driveway is approximately 65 feet wide with a westbound bike

lane, two westbound through lanes, a two-way center turn lane, one eastbound through lane, one eastbound right-turn lane, and an eastbound bike lane. The width of California Circle is therefore sufficient to permit restriping of the existing two-way center turn lane to accommodate a left-turn pocket on eastbound California Circle into the project driveway.

2. There is a distance of a little more than 200 feet on California Circle between Fairview Way and a driveway into a property on the southwest quadrant of the intersection. From the existing two-way center turn lane, vehicles are able to turn into that driveway. The distance of 200 feet should be sufficient to accommodate back-to-back eastbound and westbound left-turn pockets of 100 feet each (including taper) for the left-turn movements into the Project driveway and into the adjacent property's driveway, respectively.

Recommendation Traf-4B: Centered Driveway Alignment. The Project site driveway onto California Circle shall be centered at the intersection of California Circle and Fairview Way, with a clear definition of proper vehicle path to minimize confusion for the public.

1. The Project should provide a crosswalk and ADA-compliant ramps across its driveway, so that there are crosswalks across all four approaches of the California Circle and Fairview Way intersection.

Emergency Access

Transportation-5: The Project would not result in inadequate emergency access. **(Less than significant Impact)**

The one full-access driveway on California Circle at the intersection of Fairview Way, and the emergency vehicle access (EVA) proposed on California Circle on the western portion of the Project site is considered adequate for all purposes, including emergency access. (**Figure 24**)

When and if a second point of access is created in the future, through the property to the north, emergency access would be improved.

Alternative Transportation

Transportation-6: The Project would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). **(Less than significant Impact)**

Bicycle lanes are provided on California Circle and Dixon Landing Road in the Project vicinity. The proposed Project would not alter existing bicycle facilities and would not conflict with existing or planned bicycle facilities.

The Project site is not well served by public transit at this time. Current transit service in the Project vicinity consists of one bus route operated by VTA and one by AC Transit. The closest bus stops are located at the intersection of Dixon Landing Road and Milpitas Boulevard, approximately one mile away from the Project site.

In compliance with applicable bike parking guidelines of the Santa Clara Valley Transportation Agency (VTA), each of the residential units would have a garage, which would meet the requirement for Class I bicycle parking (lockers or guarded parking).

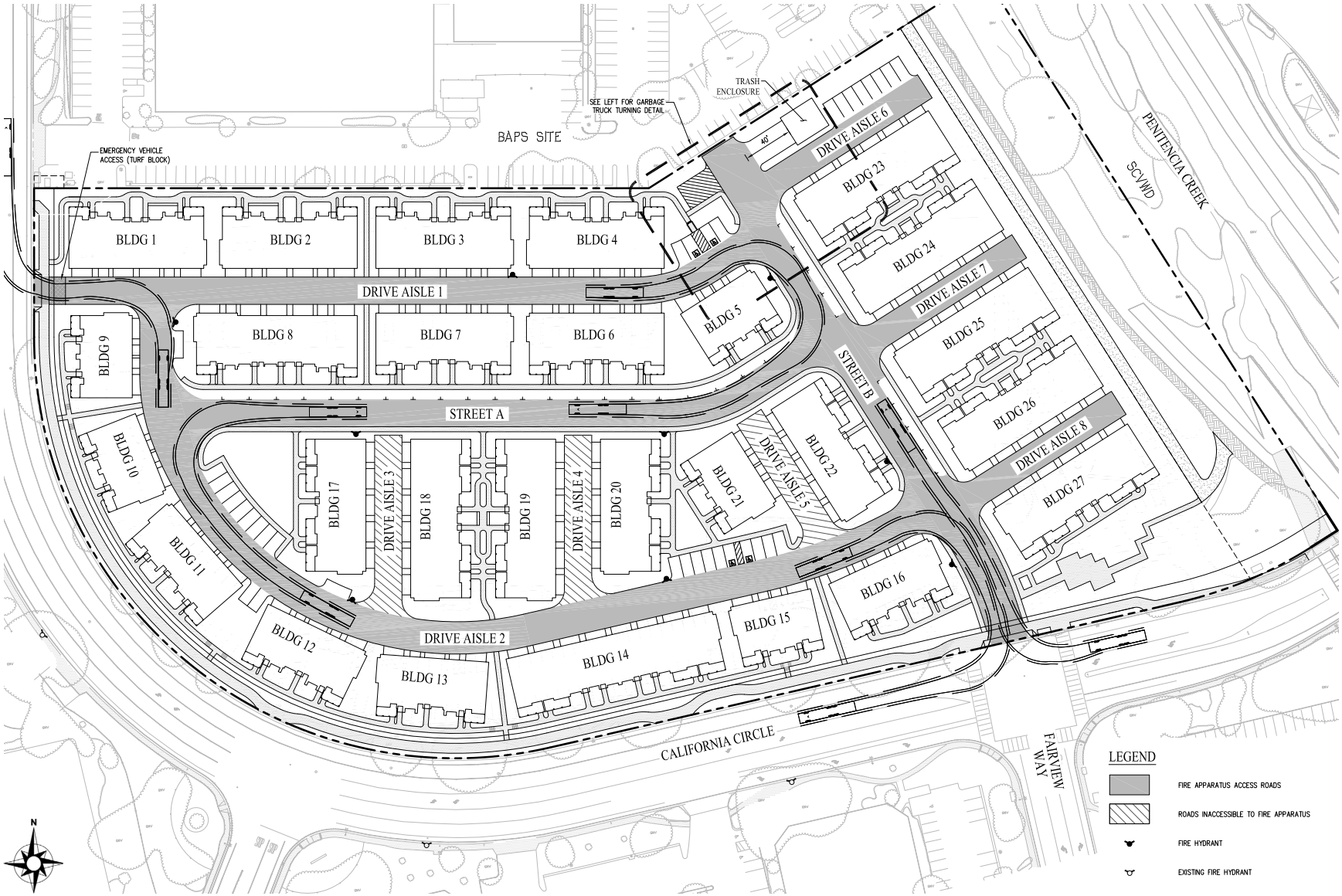

Figure 24
Emergency Equipment Access

Source: KTGY Group (August 18, 2014)

Mitigation Measures

None needed. The Hexagon TIA concluded that the Project would not result in any adverse impacts to pedestrian, bicycle, or transit facilities. The Hexagon recommendations (below) are not required as mitigation measures associated with a potentially significant impact, but as suggestions for encouraging greater bicycle use and improving reliance on transit:

> **Recommendation Traf-4C: Provide Bike Racks.** The project should provide bike racks in accordance with VTA requirements. Bike parking spaces are not shown on the current plans. These should be placed in accessible, secure, and well-lit locations.
>
> **Recommendation Traf-4D:** It is recommended that the City of Milpitas coordinate with VTA to explore the possibility of installing bus stops closer to the project site.

XVII. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1, 2, 11, 15
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, 11, 13, 15
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2, 11
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2, 11, 13
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, 15
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 11
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1

Environmental Setting

The following discussion is based in part on the City's 2010 Urban Water Management Plan and 2009 Sewer Master Plan Update and in part on the Initial Study/EIR prepared for the adjacent Waterstone Project.[21]

[21] City of Milpitas, Initial Study Waterstone Residential Project June 2013

Water Service

The City owns, operates and maintains a potable water distribution system which consists of approximately 200 miles of water mains and serves more than 16,000 water service connections. The City's two potable water wholesalers are the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD). The Project site is within the SFPUC wholesale distribution area and thus the Project would be served with water from the SFPUC Hetch Hetchy system. With minor exceptions, SFPUC water is the source of supply for residential areas of the City, whereas SCVWD water is used to supply industrial areas. The City's water supply contract with SFPUC expires in 2034.Water demand city-wide is approximately 10.2 million gallons per day (mgd). This demand is met in part with SFPUC water (which provides a maximum of 9.23 mgd) and in part by water from the SCVWD.

Recycled Water

The City of Milpitas purchases water from the South Bay Water Recycling Program (SBWR) which has developed a reclaimed water system to utilize recycled water from the San José/Santa Clara Water Pollution Control Plant (WPCP) for irrigation, industrial, and other non-potable purposes. Based on the 2010 Urban Water Master Plan, the Project site is not currently serviced by the SBWR program and is not proposed to be served in the future.

Sewer System and 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. The City of Milpitas is contractually allowed a sanitary sewer flow of 14.25 mgd. WPCP is one of the largest advanced wastewater treatment facilities in California, treating wastewater from over 1.5 million people that live and work in the 300-square mile area encompassing the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The WPCP has the capacity to treat 167 mgd and is located in San Jose, at the southernmost tip of the San Francisco Bay. Originally constructed in 1956, its wastewater treatment process was upgraded to an advanced, tertiary system in 1979. Most of the final treated water is discharged as fresh water through Artesian Slough into South San Francisco Bay. About 10% is recycled through South Bay Water Recycling (SBWR) pipelines for landscaping, agricultural irrigation, and industrial needs throughout the South Bay.

Storm Drain System

The City of Milpitas owns and maintains the municipal storm drainage system which serves the Project site. The lines that serve the Project site drain into Penitencia Creek. Penitencia Creek flows north, carrying stormwater through underground storm water pipes and the open creek channel, ultimately discharging flows into San Francisco Bay. There is no overland release of stormwater directly into any water body from the Project site due to the adjacent levees.

Solid Waste

Republic Services provides solid waste and recycling collection services for residences in the City of Milpitas. The City's solid waste is disposed of at the Newby Island Landfill and recycling facility which is located west of I-880 on Dixon Landing Road.

Impact Analysis

Wastewater Treatment

Utilities-1: The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the

construction of which could cause significant environmental effects. (**Less Than Significant Impact**)

Currently, the vacant building on the Project site does not generate any wastewater. The proposed residential Project would generate approximately 47,152 gpd of wastewater.

The City is contractually allowed a sanitary sewer flow of 14.25 million gallons per day (mgd) and still has available treatment capacity at the WPCP. The estimated wastewater flows from the proposed Project would not cause the City to exceed its allocated capacity or require expansion of the WPTP. Therefore, implementation of the proposed Project would have a less than significant impact on the WPCP.

Water Supply

Utilities-2: There is sufficient water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements are needed. The Project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (**Less than Significant**)

The building on the Project site is currently vacant and there is no use of or demand for potable water at this time other than what may be needed for landscape irrigation. Water demand for a Multi-Family High density land use, as proposed, assumes 245 gallons per day per dwelling, or 36,260 gpd for the proposed 148-unit Project.

While development of the proposed residential Project would result in an increase in water usage on-site, the increase represents approximately 0.2 percent of the City's annual demand and the maximum contract supply from the SFPUC. This level of increased water demand is considered less than significant because existing water supply entitlements are sufficient to support proposed and future development and no additional water supply entitlements would be necessary. The existing water system infrastructure has adequate capacity to serve the proposed Project.

New Stormwater Facilities

Utilities-3: The Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (**Less Than Significant)**

The existing vacant building together with surrounding paved parking areas result in impervious surfaces covering approximately 307,000 square feet (or approximately 75 percent) of the 9.45-acre Project site. The proposed residential Project would result in approximately 257,000 square feet (or approximately 63 percent of the site) being covered with impervious surfaces such as drive aisles, buildings, and other hardscape. The remaining 37 percent of the Project site would be covered by landscaping and other pervious surfaces, thus lowering on-site surface runoff potential from existing conditions. The Project would implement required stormwater treatment in compliance with the City's Stormwater C.3 Guidebook (see the Hydrology section of this Initial Study for a complete discussion of the proposed C.3 Stormwater Control Plan for this Project).

The existing storm drainage system has sufficient capacity to support the existing land uses. Therefore, with a reduction in impervious surfaces and implementation of the City's C.3 stormwater treatment requirements, the proposed Project reduce the volume of storm water runoff and would not exceed the capacity of the existing storm drainage system.

Solid Waste Capacity

> **Utilities-5**: The Project will be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs, and the Project would comply with federal, state, and local statutes and regulations related to solid waste. (**Less than Significant**)

At buildout of the proposed 148-unit residential Project, it would generate approximately 865 lbs of solid waste per day, based on a solid waste generation factor of 5.85 pounds per day per unit for residential development.[22] The existing landfill has capacity to handle the higher level of daily waste that would be produced from the proposed Project.

The City of Milpitas is currently operating residential and business recycling programs that comply with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. The Project would participate in the City's solid waste program and in the City's recycling programs as applicable which would reduce the total amount of garbage taken to the landfill. With implementation of the City's recycling programs and solid waste programs, the proposed Project would have a less than significant impact on solid waste facilities serving the City of Milpitas.

The residential development would comply with all applicable federal, state and local statutes and regulations related to solid waste.

[22] Waterstone Initial Study, Op. Cit., p. 74.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Impact Analysis

Degrade the Quality of the Environment

Findings-1: The Project does have the potential to degrade the quality of the environment, but mitigation measures incorporated into the Project or required of the Project would reduce these impacts to a less than significant level. The Project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a

rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

As discussed in the respective sections of this Initial Study, the proposed Project would have no impact, a less than significant impact, or an impact that can be mitigated to less than significant levels through implementation of mitigation measures incorporated into the Project or required of the Project on aesthetics, agriculture and forest lands, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and utilities and service systems.

Air Quality

During construction, implementation of standard dust control measures recommended by the BAAQMD would reduce construction-period air quality impacts to a less than significant level.

Biology

Prior to the start of construction, a qualified biologist will train construction personnel regarding habitat sensitivity and how to identify special status species and will conduct pre-construction surveys for western pond turtles (WPT), Western Burrowing Owls and nesting birds and will ensure that, if found, WPT are appropriately relocated and that appropriate avoidance measures are implemented with regard to Western Burrowing Owls and nesting birds. These measures would ensure that potential impacts to biological resources potentially occurring on site would be reduced to a less than significant level.

Water Quality

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

With implementation of Mitigation Measure Hydro-2C, the Project's SWCP will be reviewed by the City Engineering Department for consistency with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook. Once approved, the SWCP will provide mitigation for water quality impacts associated with Project implementation, and the potential impact will be reduced to a less than significant level.

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

Noise

The Project would locate residential land uses in an area where the ambient noise levels exceed the conditionally acceptable noise levels for these land uses. With implementation of the proposed design measures and mitigation measures, and compliance with General Plan policies, the identified noise impacts would be mitigated to less than significant. Because traffic noise impacts affecting the Project site would be mitigated, and because cumulative traffic impacts are less than significant, the Project would also not have a cumulatively considerable impact on noise in the Project area.

Cumulative Effects

Findings-2: The Project would not have impacts that are individually limited, but cumulatively considerable. The incremental effects of the Project, when viewed in connection with the effects

of past projects, the effects of other current projects, and the effects of probable future projects, would not result in cumulatively considerable effects.

Implementation of the Project would not cumulatively impact the environment provided all policies, rules and regulations of all relevant governing bodies are adhered to, and the mitigation measures contained within this Initial Study are implemented. No Project impacts have been identified that are individually limited but cumulatively considerable.

Short-term vs. Long-term Environmental Goals

Findings-3: The Project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Adjacent to the Project site, the Santa Clara Valley Water District is currently planning a Lower Penitencia Creek Improvements Project that would provide continued flood protection to the homes and businesses currently protected along the one mile study limit of Lower Penitencia Creek. At completion of improvements for both the Lower Penitencia and Berryessa Creek projects, the Santa Clara Valley Water District will update the Federal Emergency Management Agency Flood Insurance Maps accordingly. The Project would not interfere with this long-term environmental improvement project, and would maintain Penitencia Creek and its associated levee in their existing natural state by offsetting the development away from the eastern edge of the site.

Substantial Adverse Effects on Human Beings

Findings-4: The Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

SOURCES

General Sources

CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)

City of Milpitas General Plan (Land Use Chapter)

City of Milpitas General Plan (Circulation Chapter)

City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)

City of Milpitas General Plan (Seismic and Safety Chapter)

City of Milpitas General Plan (Noise Chapter)

City of Milpitas General Plan (Housing Chapter)

City of Milpitas Zoning (Title XI)

California Department of Conservation, *Santa Clara County Important Farmland 2006,* Map. June 2005

Bay Area Air Quality Management District, CEQA Guidelines, May 2011

City of Milpitas, *Waterstone Residential Project, CEQA Initial Study*, June 2013

City of Milpitas, *Waterstone Residential Project, Draft Environmental Impact Report*, June 2013.

City of Milpitas, *2010 Urban Water Management Plan*, adopted June 7, 2011.

Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H.06085C0080H, 06085C0086H, and 06085C0087H*

City of Milpitas, *Sewer Master Plan Update*, December 2009

Field/Site Visit/ Personal Observation

Project Specific Technical Studies

Carlson, Barbee & Gibson, Inc., *Stormwater Control Plan for Stormwater C.3 Guideline Compliance with California Circle Vesting Tentative Map,* August 15, 2014

ENGEO, Inc., *Geotechnical Exploration for 1210 California Circle, Milpitas, California*, August 15, 2014

ENGEO, Inc., *Phase I Environmental Site Assessment, 1210 California Circle, Milpitas California*, July 24, 2014.

Hexagon Transportation Consultants, Inc., *1210 California Circle Residential Development Draft Traffic Impact Analysis*, July 22, 2013.

Illingworth & Rodkin, Inc., 1210 *California Circle Draft Air Quality and GHG Emissions Assessment, Milpitas, California*, July 24, 2014.

iStar Financial and KTGY Group, Inc., *California Circle Pre-Application Submittal*, June 27, 2014.

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Charles M. Salter & Associates, Inc., Draft Environmental Noise Assessment, 1210 California Circle, Milpitas California, August 7, 2014.

Schaaf & Wheeler, Consulting Civil Engineers, *Draft Memo: Preliminary 100-year Flood Study Basis to Guide CEQA Document Development for 1210 California Circle,* August 4, 2014.

CALIFORNIA CIRCLE

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Manufacturers:
Sherwin Williams Paint
Eagle Roofing - Cool Roofs
Custom Bilt Metals or Equal
El Dorado Stone Veneer

	SCHEME 1	SCHEME 2	SCHEME 3	SCHEME 4
ROOF CONCRETE FLAT SLATE PROFILE	4884 ALAMEDA RANGE	4883 HILLSBOROUGH BLEND	4884 ALAMEDA RANGE	4883 HILLSBOROUGH BLEND
STUCCO BODY #1 TRIM 1 WHERE NOTATED	SW 6126 NAVAJO WHITE	SW 7537 IRISH CREAM	SW 6155 RICE GRAIN	SW 7043 WORDLY GRAY
STUCCO BODY #2	SW 7544 FENLAND	SW 2850 CHELSEA GRAY	SW 7697 SAFARI	SW 7504 KEYSTONE GRAY
STUCCO BODY #3 SIDING BODY	SW 7046 ANONYMOUS	SW 7060 ATTITUDE GRAY	SW 6144 DAPPER TAN	SW 0028 CAEN STONE
ACCENT SIDING BODY INSETS/ STUCCO BODY #4	SW 7701 CAVERN CLAY	SW 6116 TATAMI TAN	SW 6012 BROWSE BROWN	SW 7700 OLDE WORLD GOLD
FASCIA/EAVES/ CORBELS/TRIM WHERE NOTATED	SW 7542 NATUREL	SW 7550 RESORT TAN	SW 0050 CLASSIC LIGHT BUFF	SW 0038 LIBRARY PEWTER
ENTRY DOORS	SW 6054 CANYON CLAY	SW 6104 KAFFEE	SW 6096 JUTE BROWN	SW 6356 COPPER MOUNTAIN
DECORATIVE METAL RAILINGS/POSTS/ METAL AWNINGS IF PAINTED	SW 7645 THUNDER GRAY	SW 7645 THUNDER GRAY	SW 7645 THUNDER GRAY	SW 7645 THUNDER GRAY
STONE VENEER TIGHTFIT INSTALLATION	BIRCH LEDGECUT 33	SAN MARINO LIMESTONE	OYSTER CUT COARSE STONE	NANTUCKET STACKED STONE
METAL STANDING SEAM ROOF	STORM GRAY	STORM GRAY	WEATHERED COPPER	WEATHERED COPPER

CALIFORNIA CIRCLE

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COLOR AND MATERIAL SCHEMES

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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SAN RAMON, CALIFORNIA 94583
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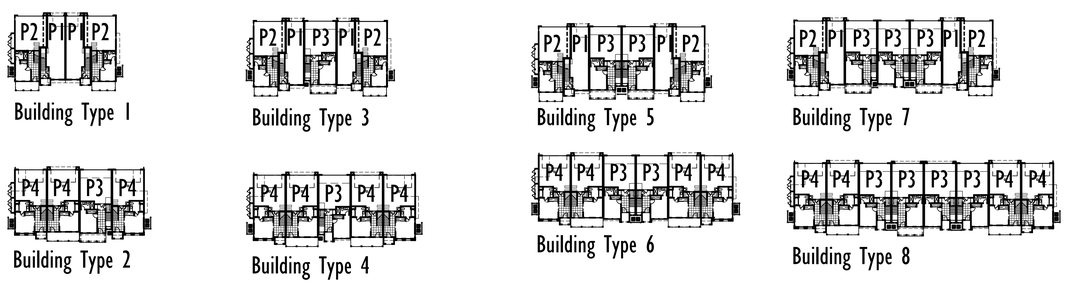
Front Elevation
(public streets & paseos)



SITE SUMMARY

UNIT MIX

Building Type	Plan 1	Plan 2	Plan 3	Plan 4	Number Of Buildings On Site
1	2	2			5
2			1	3	2
3	2	2	1		6
4			1	4	3
5	2	2	2		2
6			2	4	5
7	2	2	3		3
8			4	4	1

27 Buildings Total

Plan Type	Bedrooms	Bathrooms	Totals
1	2	2.5	32
2	3	3.5	32
3	3	3.5	38
4	3 + Den	3.5	42
Total Proposed Dwelling Units			144

CODE INFORMATION

OCCUPANCY TYPE: R-2 RESIDENTIAL
U PRIVATE GARAGES

CONSTRUCTION TYPE: V-B

ACCESSIBILITY:
10% OF DWELLING UNITS SHALL HAVE ACCESSIBLE AND ADAPTABLE FEATURES PER CBC 1102A.3

144 x .10 = 15 DU

ACCESSIBLE PARKING:

5% ON-GRADE UNASSIGNED VISITOR PARKING SPACES SHALL BE ACCESSIBLE PER SEC. 1109A.5

PRIVATE GARAGES AT ACCESSIBLE UNITS SHALL CONFORM TO CBC 1109A.2.1 EXCEPTION 1.

SOLAR READY ROOF REQUIREMENTS:

FOR LOW RISE MULTIFAMILY BUILDINGS, THE SOLAR ZONE SHALL BE LOCATED ON THE ROOF OR OVERHANG OF THE BUILDING OR ON THE ROOF OR OVERHANG OF ANOTHER STRUCTURE LOCATED WITHIN 250' OF THE BUILDING AND HAVE A TOTAL AREA OF NO LESS THAN 15% OF THE TOTAL ROOF AREA OF THE BUILDING (2013 ENERGY CODE SECTION 110.10B)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

SITE PLAN

MILPITAS, CA

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A1.0

LEGEND

Open Space Area

Project Site

	REQUIRED	PROVIDED
Project Site		8.1 AC
Open Space Area	2.02 AC	3.19 AC
XI-10-4.05 Residential Zone Special Development Standards		

CALIFORNIA CIRCLE

LANDSCAPED/RECREATIONAL OPEN SPACE

MILPITAS, CA

KTGY # 2014-0262

08.18.2014
10.07.2014

A1.1

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LEGEND

- Useable Open Space Area
- Private Open Space Area
- Project Site

	REQUIRED	PROVIDED
Useable Open Space Area	0.68 AC	1.37 AC
Private Open Space Area	0.2 AC	0.48 AC
XI-10-4.05 Residential Zone Special Development Standards		

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USEABLE OPEN SPACE

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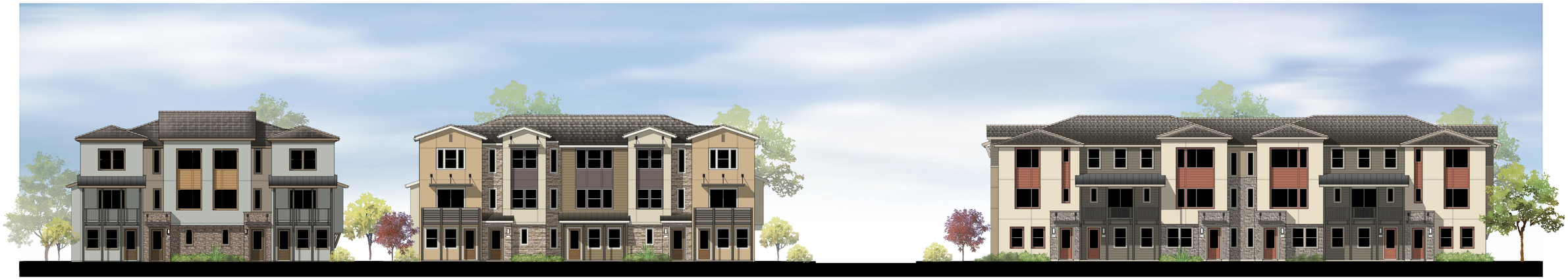

Building # 15 Building # 16 Building # 27

0 8' 16' 32' 64' 128'

Project Entry Streetscene

Building # 21 Building # 22 Building # 23 Building # 24 Building # 23

0 8' 16' 32' 64' 128'

Penitencia Creek Elevation

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STREETSCENES

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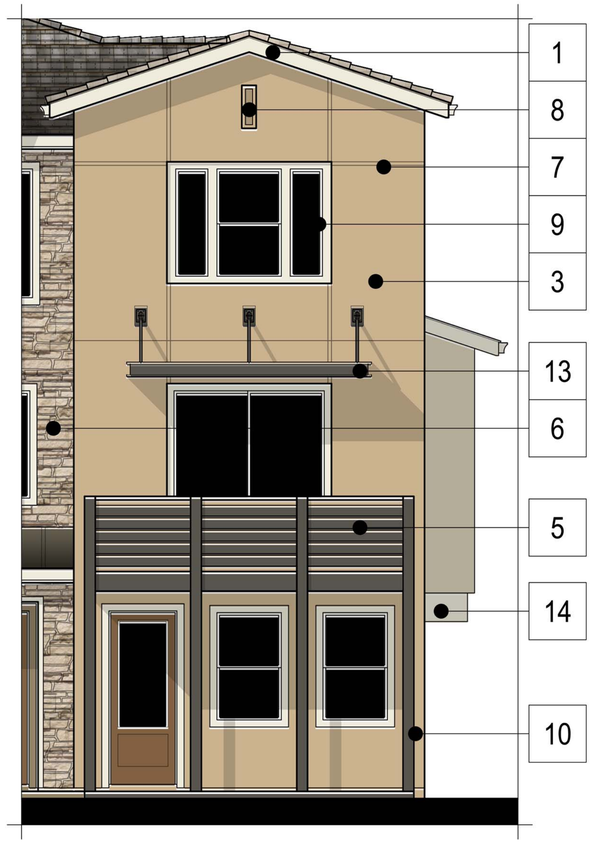
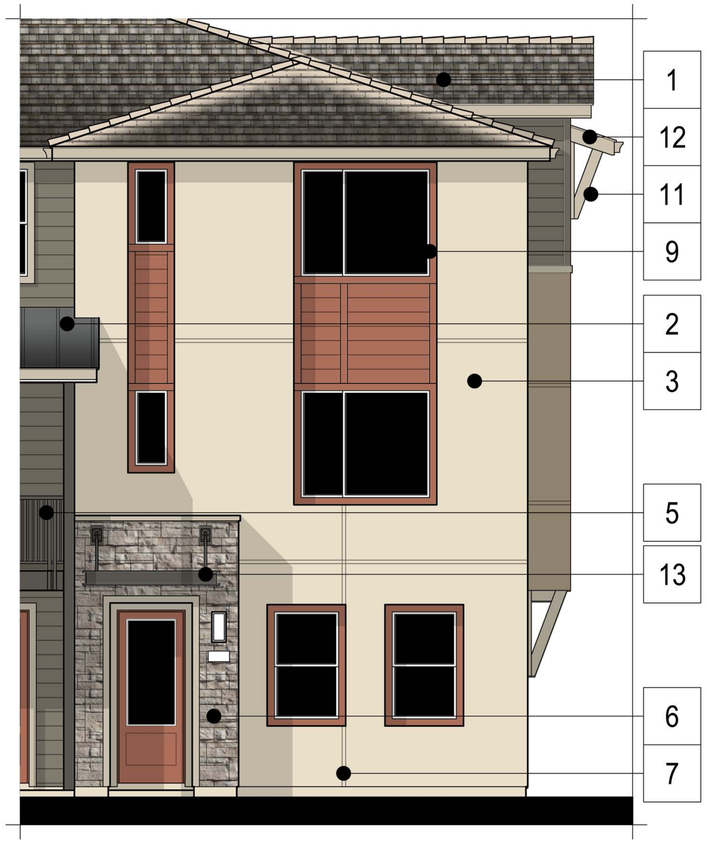


0 2' 4' 8'

Style B Detail - Plan 2



0 2' 4' 8'

Style A Detail - Plan 4-alt

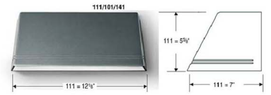
Materials Legend - Style B

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Wood railing
6. Stone veneer
7. Wide reveal plaster joints
8. Gable End Recess
9. Recessed window
10. Wood Porch Columns
11. Cementitious Spandrel Panel
12. Eyebrow Roof
13. Metal Canopy
14. Wood Outlookers
15. Garage Door w/ Windows

Materials Legend - Style A

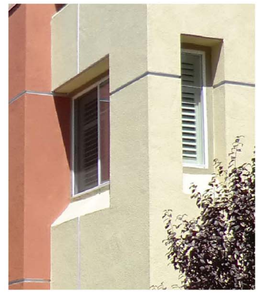
1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows

Exterior Wall Light
"Mirador" Occurs @ Entries



Exterior Wall Light
111 Mini Sconce, 12" x 7" x 5"
Occurs over garage doors

Outdoor A/C Unit Screen



Deep Recessed Window
Occurs in select locations

Recessed Window
Occurs in select locations

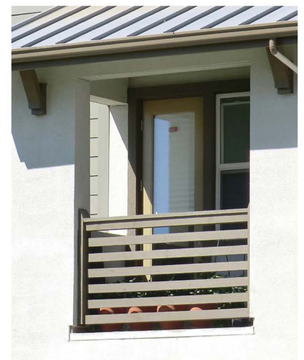
Flush Window @ Stucco
With trim

Flush Window @ Siding
With wood trim

Closed Eave
Occurs in select locations

Standing Seam Roofing
Occurs as accent

Metal Canopy and Metal Railing
Metal Railing @ Elevation Style A



Horizontal Wood Railing
Occurs @ Elevation Style B

Sample Detail Precedents

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

ARCHITECTURAL DETAILS

MILPITAS, CA

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A2.0.2

0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
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TYPE 3 - FRONT ELEVATION - STYLE A

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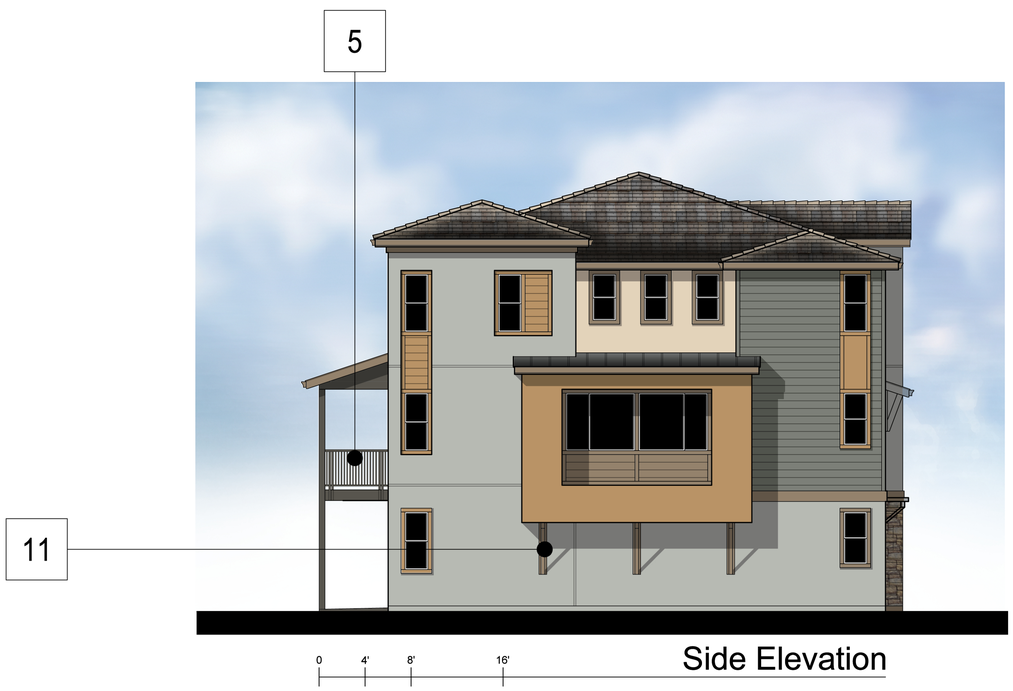
Rear Elevation



Side Elevation

Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

BUILDING TYPE 3 - SIDE AND REAR ELEVATION - STYLE A

A2.3.1

i Star
ONE SANSOME STREET
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Materials Legend - Style B

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Wood railing
6. Stone veneer
7. Wide reveal plaster joints
8. Gable End Recess
9. Recessed window
10. Wood Porch Columns
11. Cementitious Spandrel Panel
12. Eyebrow Roof
13. Metal Canopy
14. Wood Outlookers
15. Garage Door w/ Windows
16. Trellis over Garage Door

0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 3 - FRONT ELEVATION - STYLE B

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Rear Elevation

Side Elevation

Side Elevation

Materials Legend - Style B

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Wood railing
6. Stone veneer
7. Wide reveal plaster joints
8. Gable End Recess
9. Recessed window
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CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

TYPE 3 - SIDE AND REAR ELEVATIONS - STYLE B

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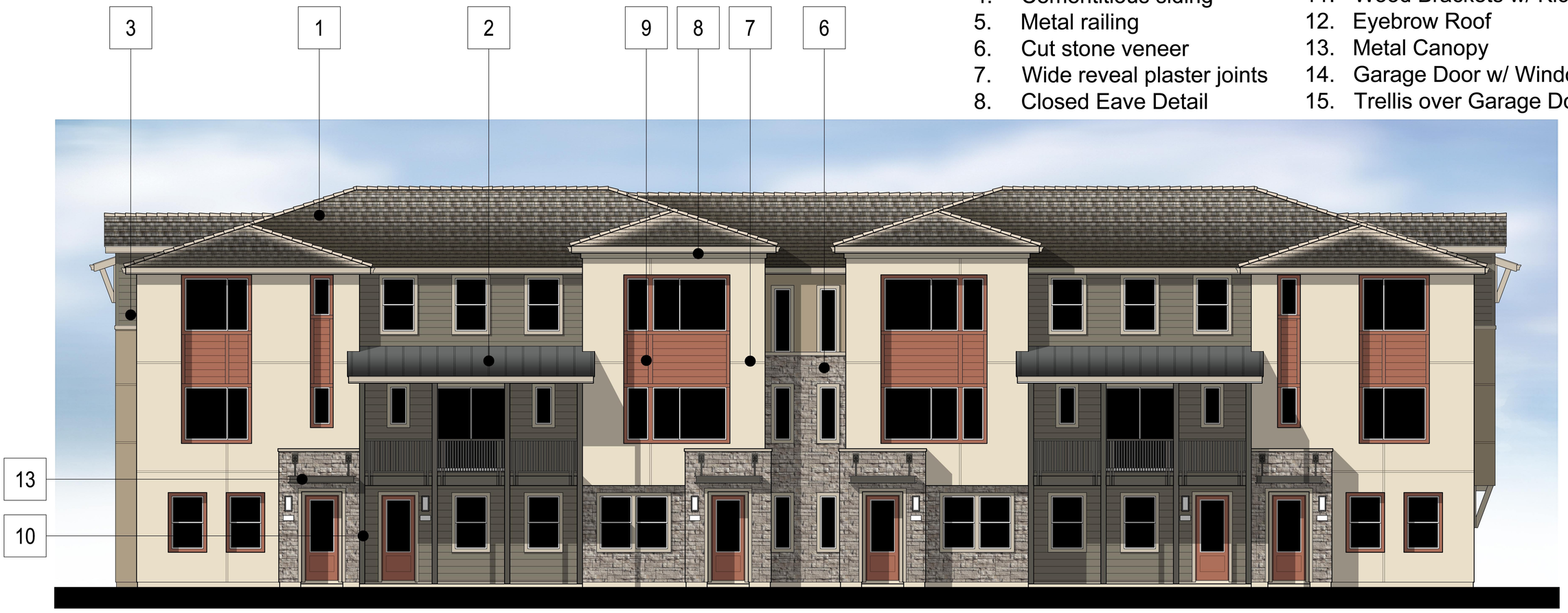
A2.3.3

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Cut stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door



0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

TYPE 6 - FRONT ELEVATION - STYLE A

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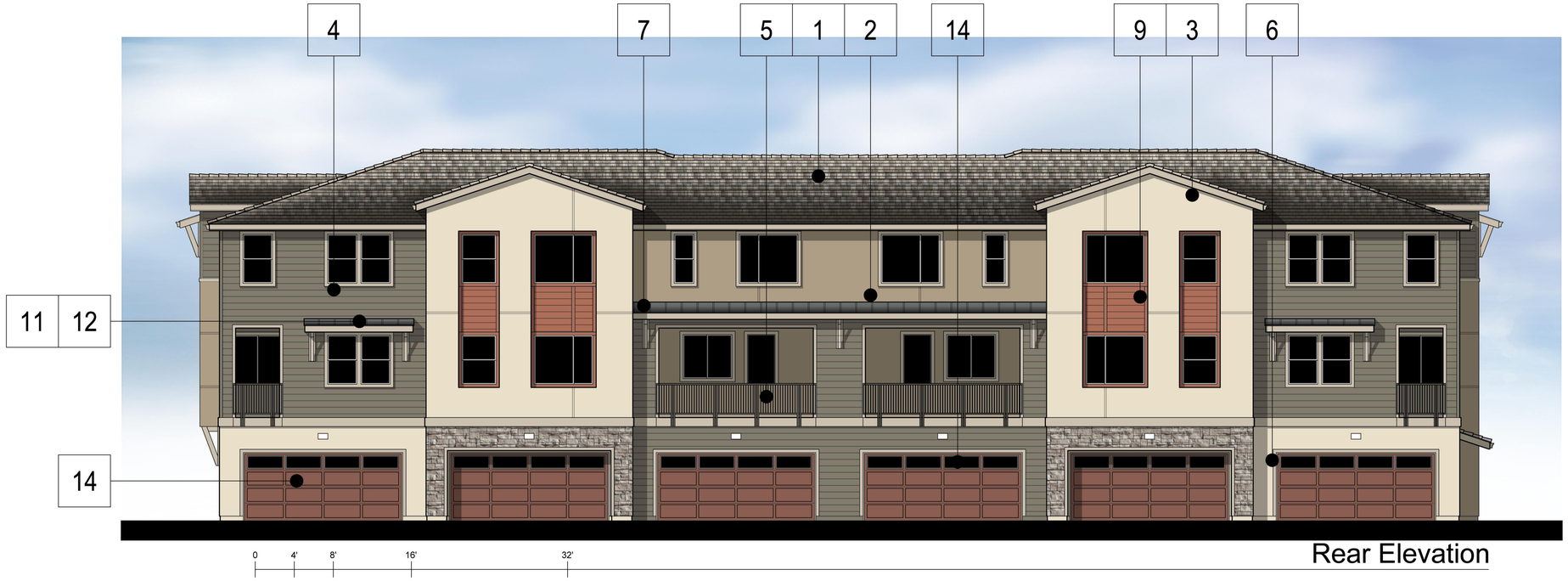
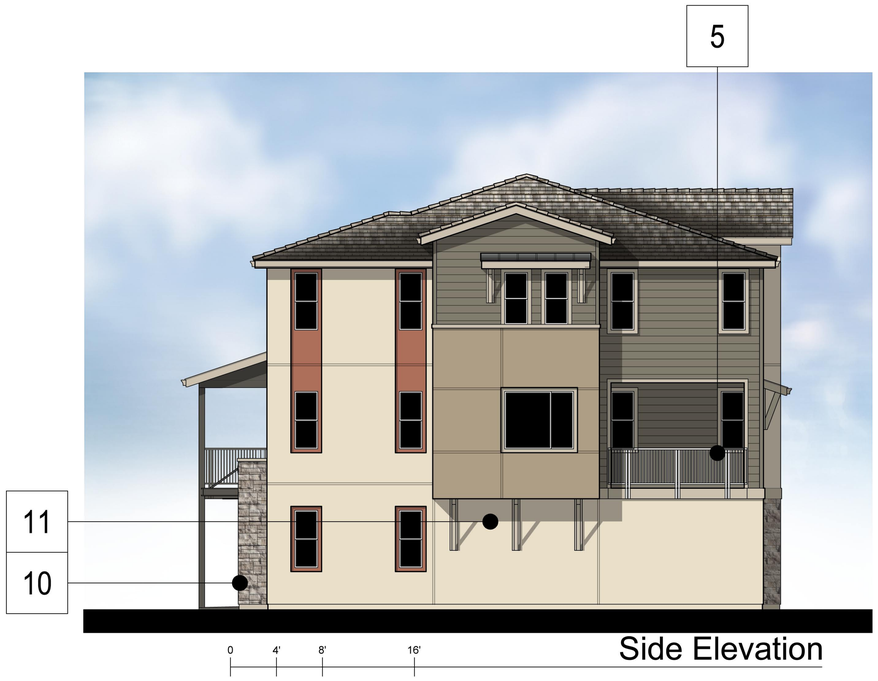
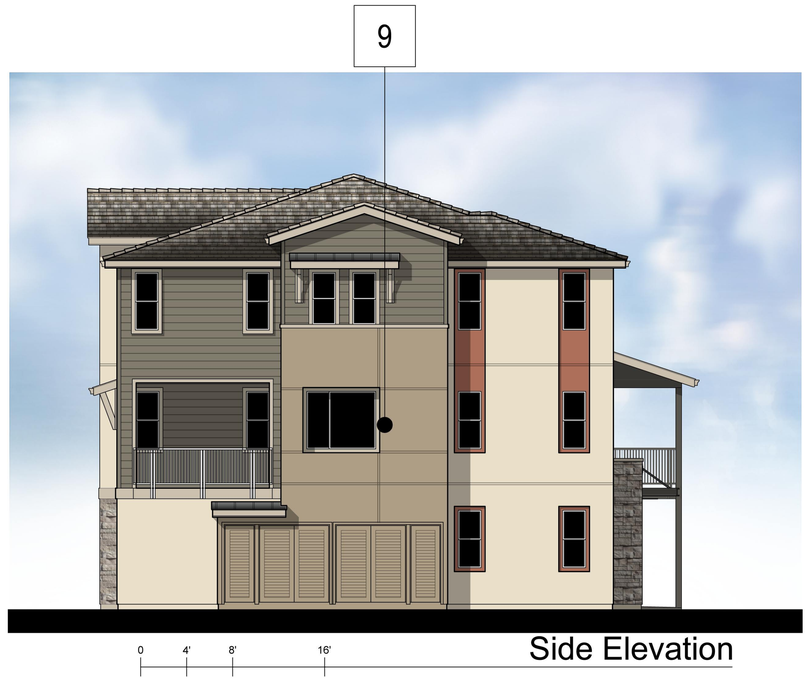
A2.6.0



Rear Elevation



Side Elevation



Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

BUILDING TYPE 6 - SIDE AND REAR ELEVATIONS - STYLE A

A2.6.1

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Materials Legend - Style B

1. Flat concrete tile roof
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3. Cement plaster
4. Cementitious siding
5. Wood railing
6. Stone veneer
7. Wide reveal plaster joints
8. Gable End Recess
9. Recessed window
10. Wood Porch Columns
11. Cementitious Spandrel Panel
12. Eyebrow Roof
13. Metal Canopy
14. Wood Outlookers
15. Garage Door w/ Windows
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0 4' 8' 16' 32' 64'

Front Elevation
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CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
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SAN FRANCISCO, CA 94104

BUILDING TYPE 6 - FRONT ELEVATION - STYLE B

A2.6.2

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Rear Elevation

Side Elevation

Side Elevation

Materials Legend - Style B

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Wood railing
6. Stone veneer
7. Wide reveal plaster joints
8. Gable End Recess
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CALIFORNIA CIRCLE

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ONE SANSOME STREET
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SAN FRANCISCO, CA 94104

BUILDING TYPE 6 - SIDE AND REAR ELEVATIONS - STYLE B

A2.6.3

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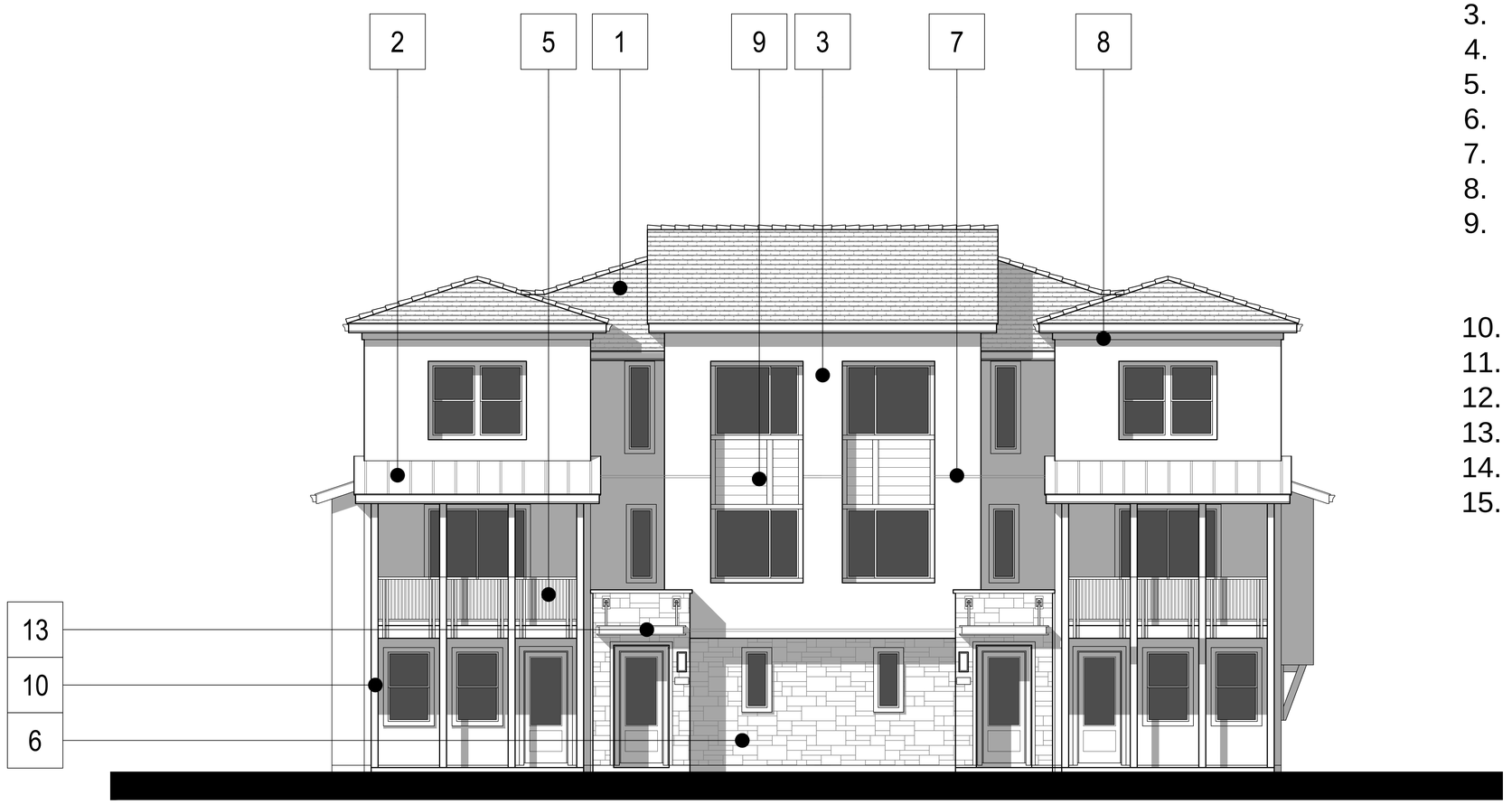

0 4' 8' 16' 32'

Front Elevation
(public streets & paseos)

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 2' 4' 8'

CALIFORNIA CIRCLE

BUILDING TYPE I - FRONT ELEVATION - STYLE A

A2.1.0

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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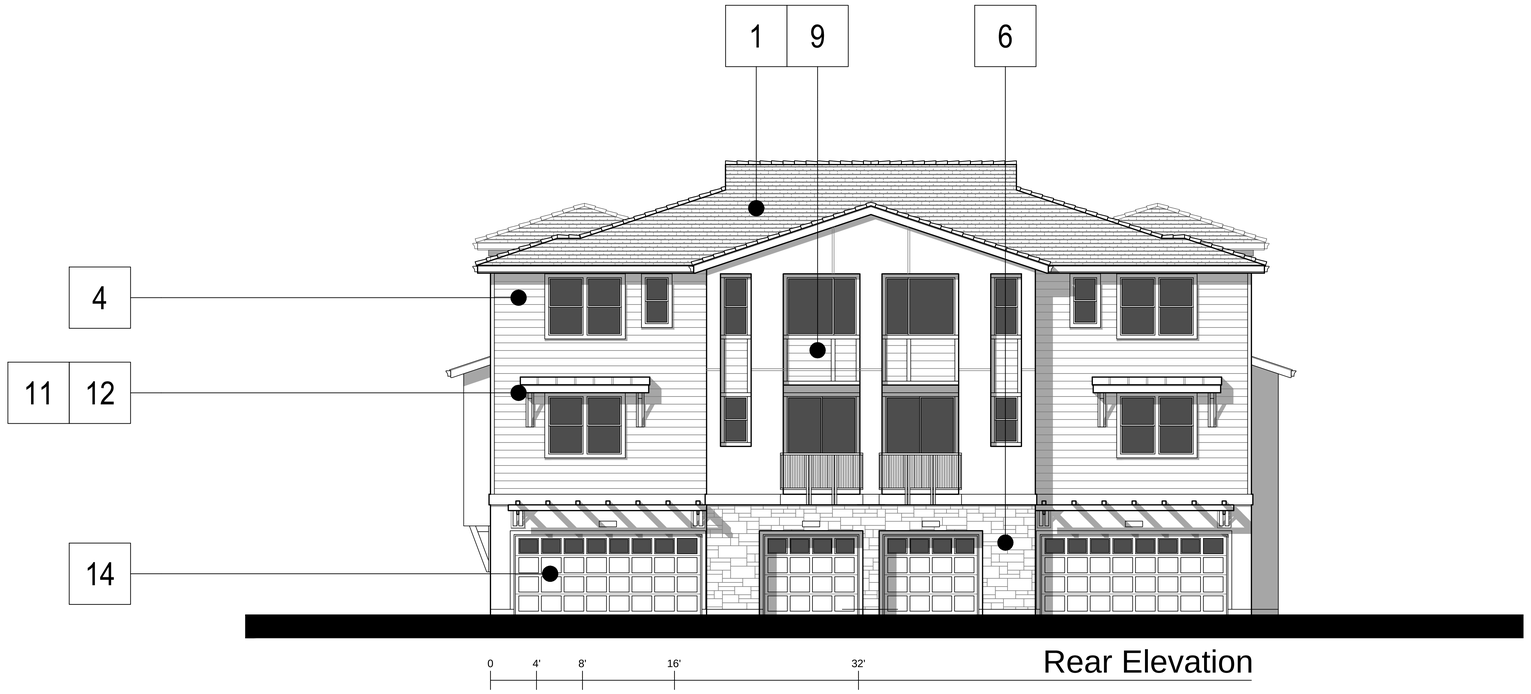
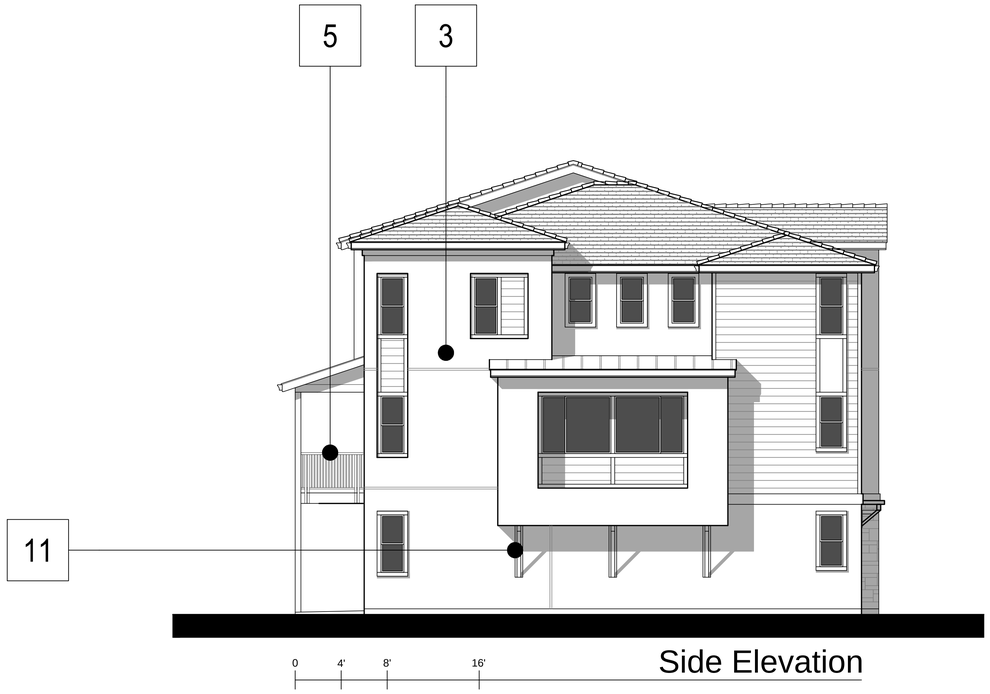
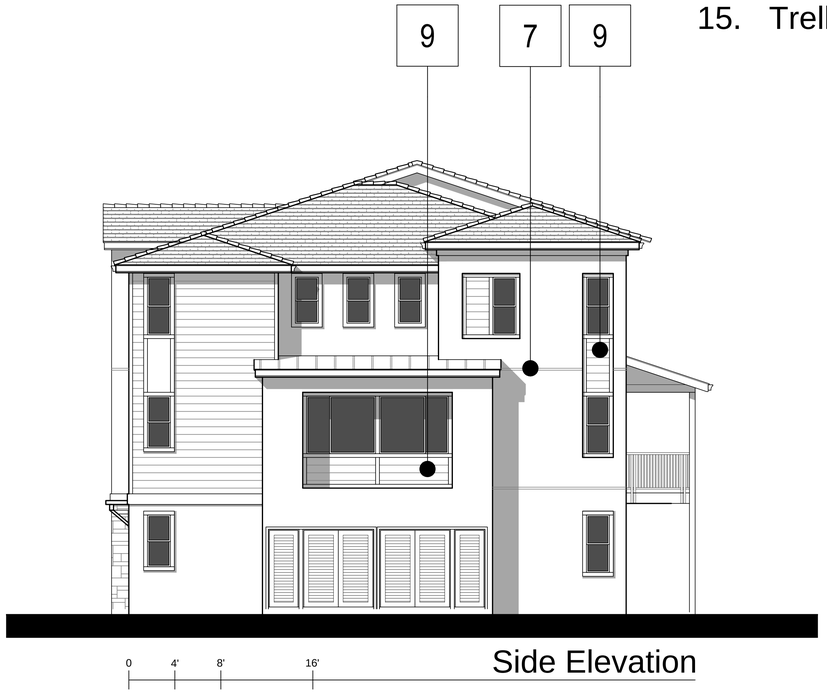


Rear Elevation



Side Elevation



Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 4' 8' 12'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE I - REAR AND SIDE ELEVATION - STYLE A

MILPITAS, CA

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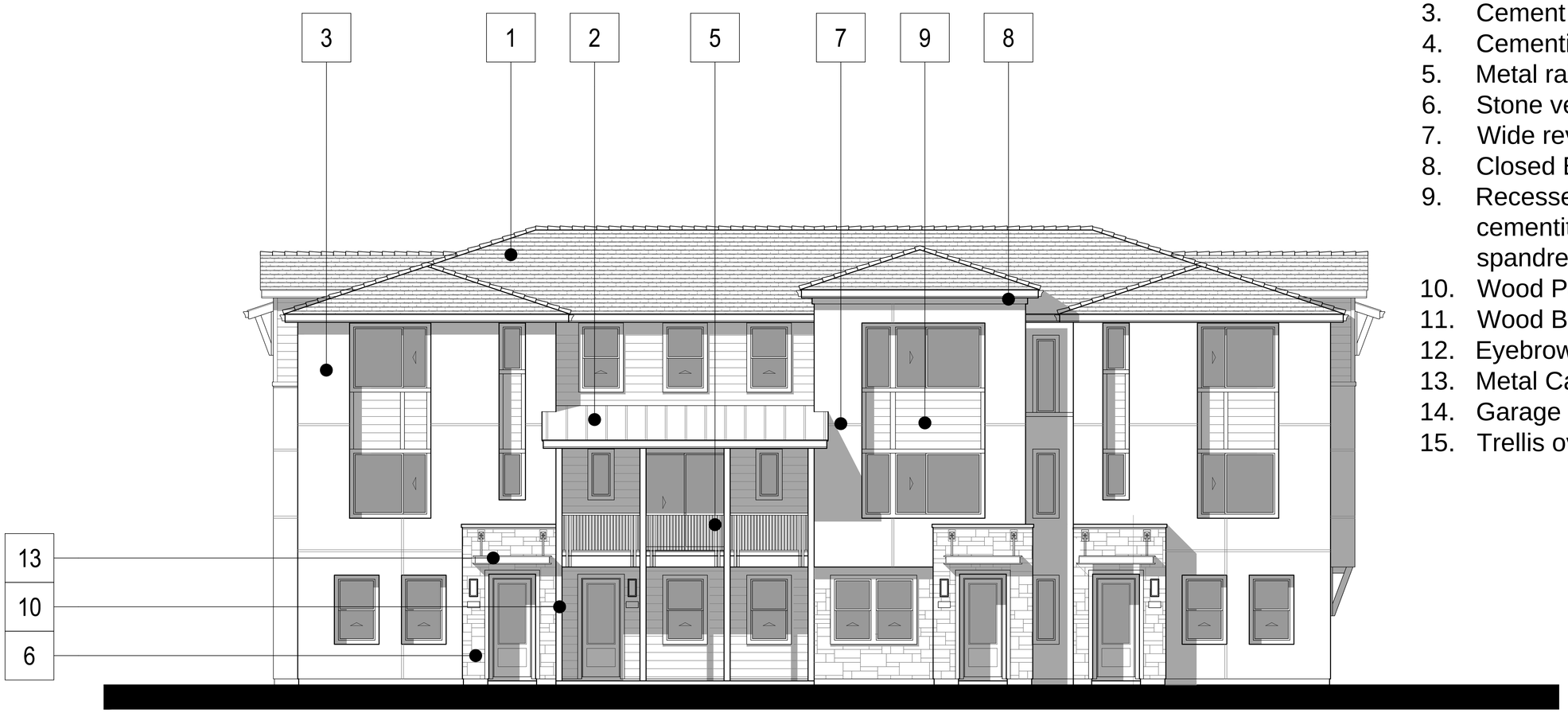
A2.1.1



Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

0 2' 4' 8'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 2 - FRONT ELEVATION - STYLE A

MILPITAS, CA

KTGY # 2014-0262

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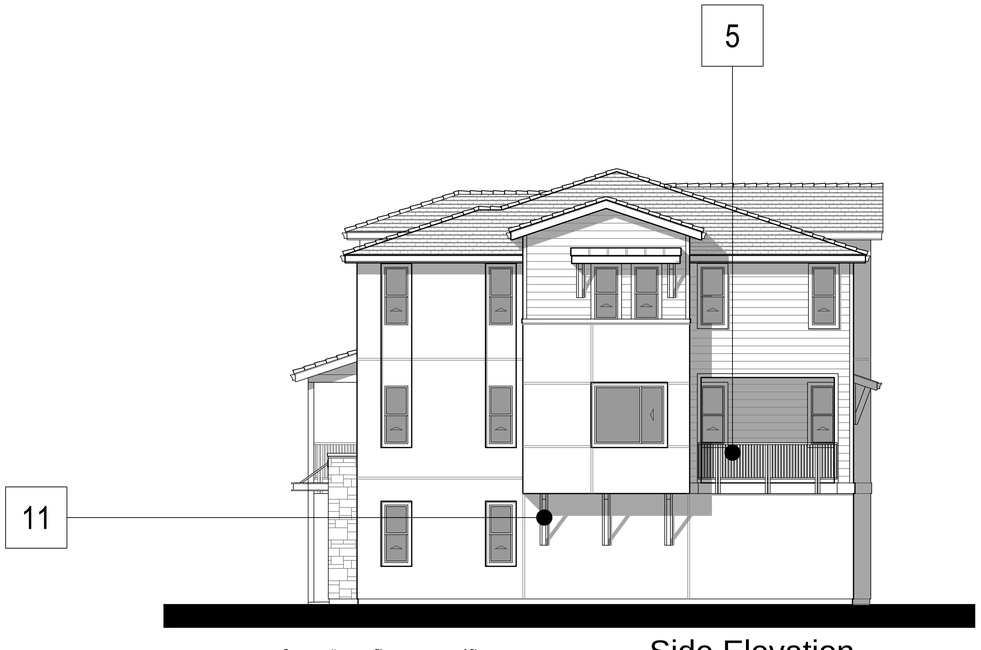
A2.2.0

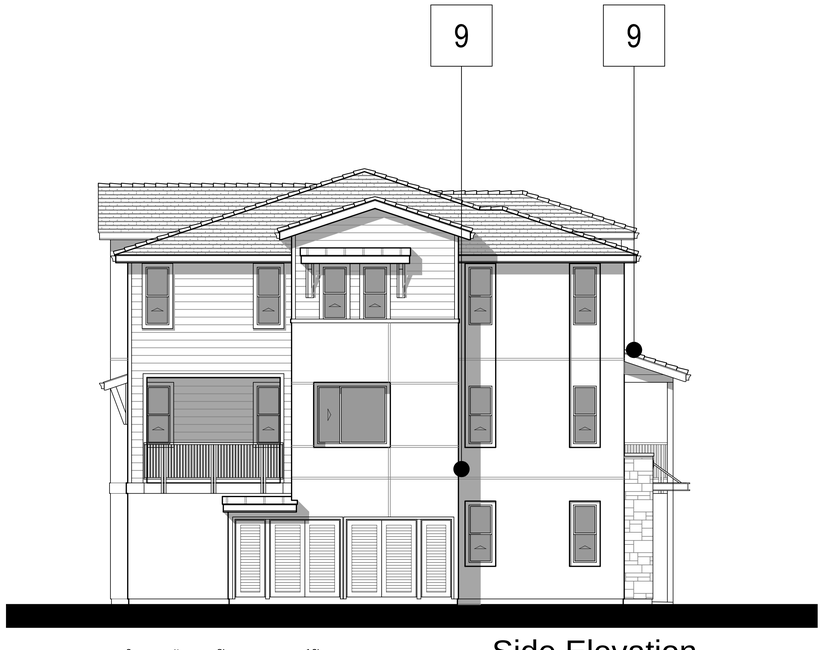
Rear Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door



Side Elevation



Side Elevation

0 4' 8' 12'

CALIFORNIA CIRCLE

BUILDING TYPE 2 - REAR AND SIDE ELEVATIONS - STYLE A

A2.2.1

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

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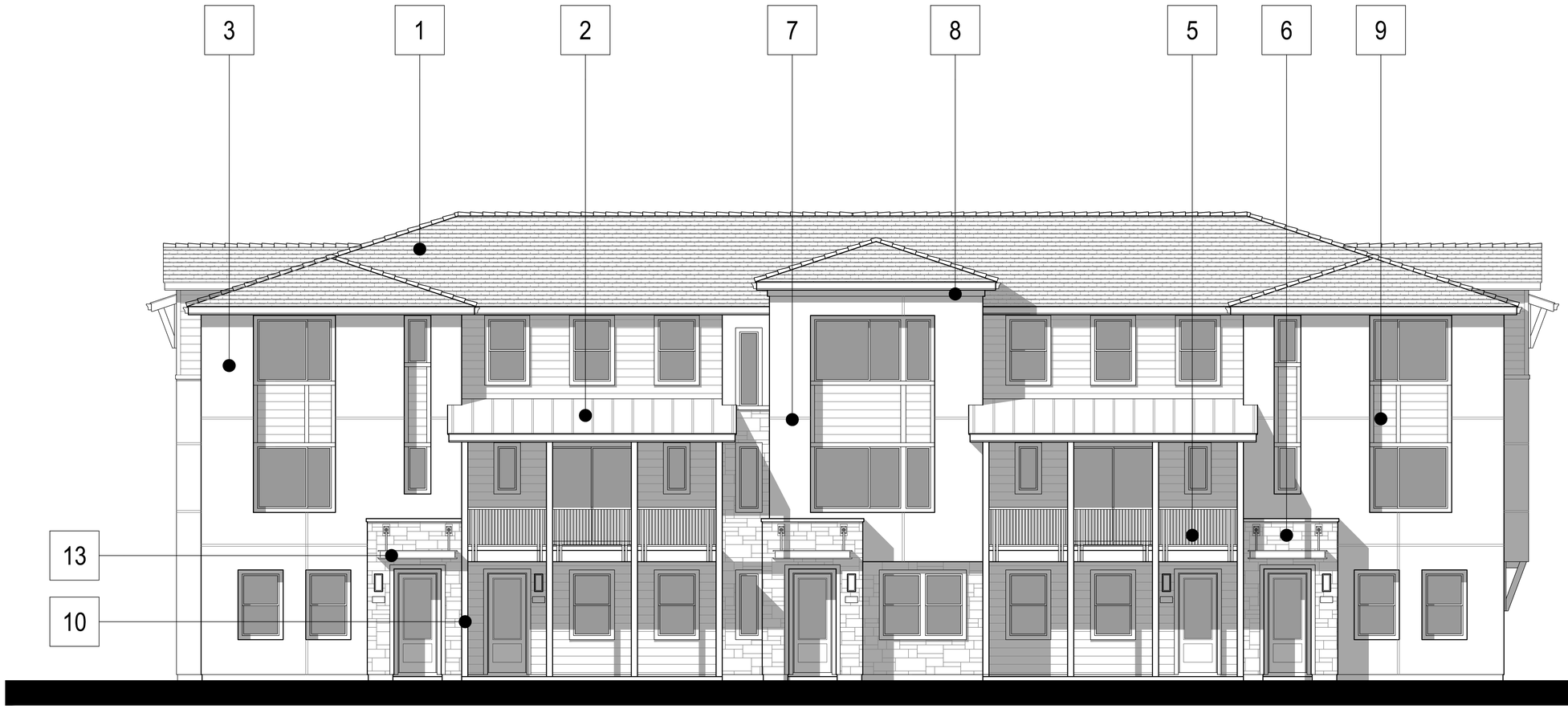

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 4 - FRONT ELEVATION - STYLE A

A2.4.0

MILPITAS, CA

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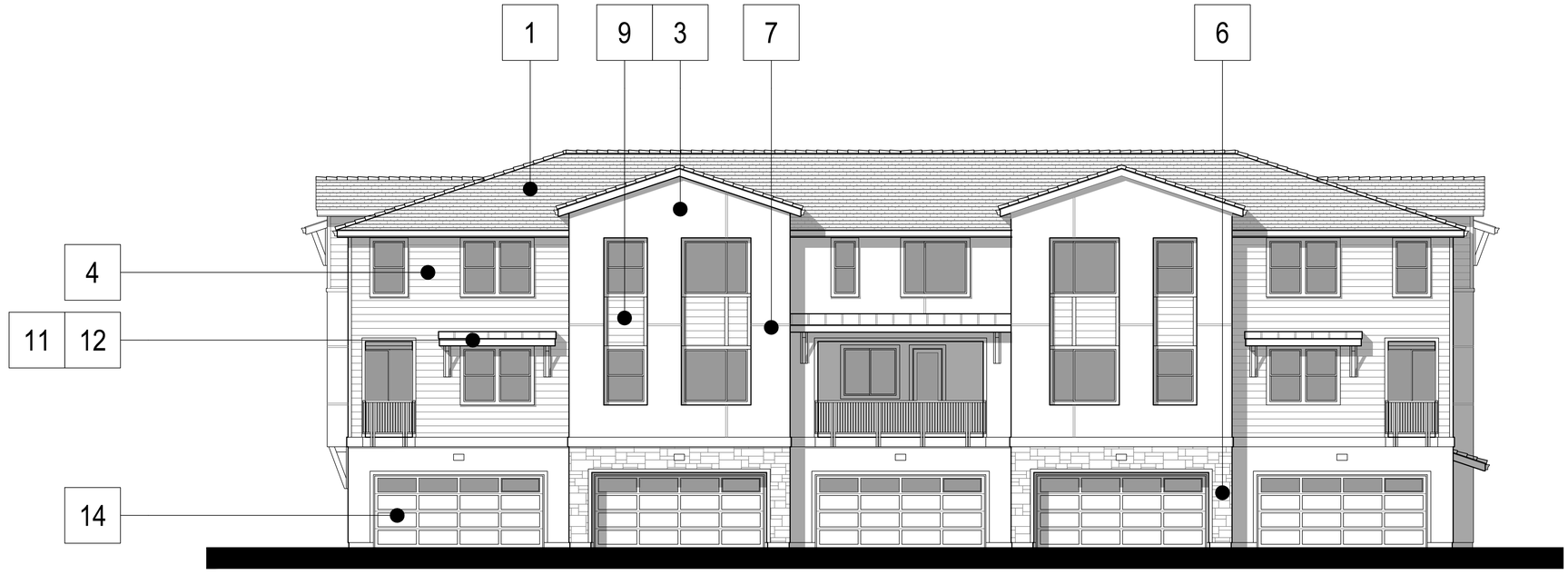
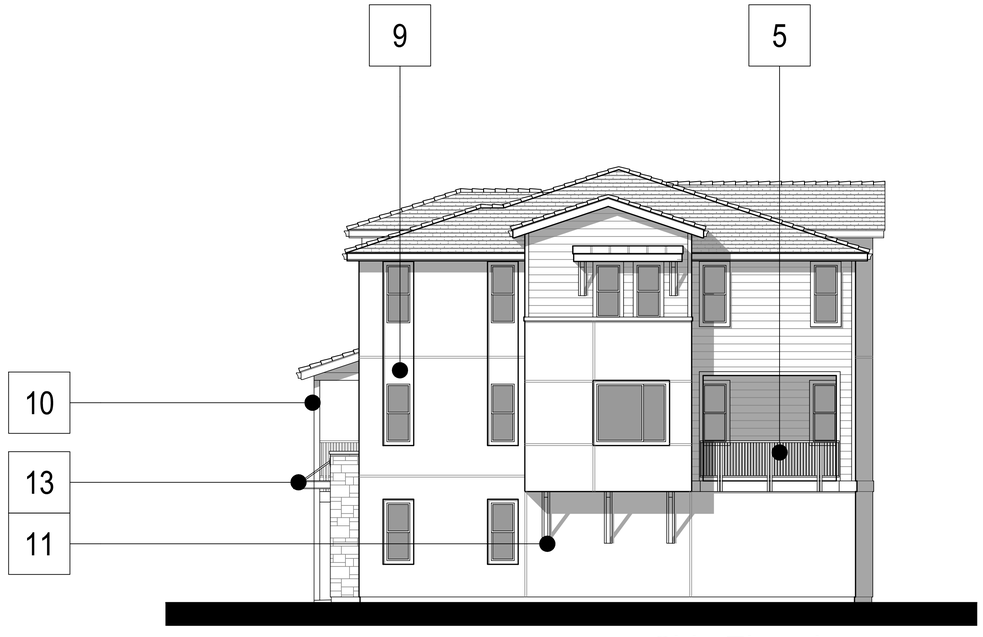
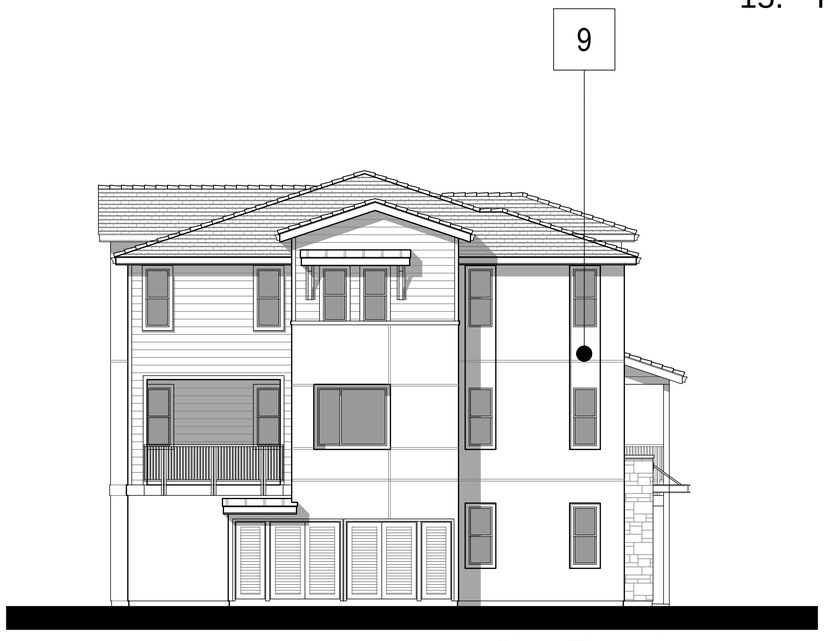


Rear Elevation



Side Elevation



Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 4 - SIDE AND REAR ELEVATIONS - STYLE A

MILPITAS, CA

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A2.4.1

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Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
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6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 4' 8' 16' 32' 64'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

BUILDING TYPE 5 - FRONT ELEVATION - STYLE A

A2.5.0

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
KTGY # 2014-0262

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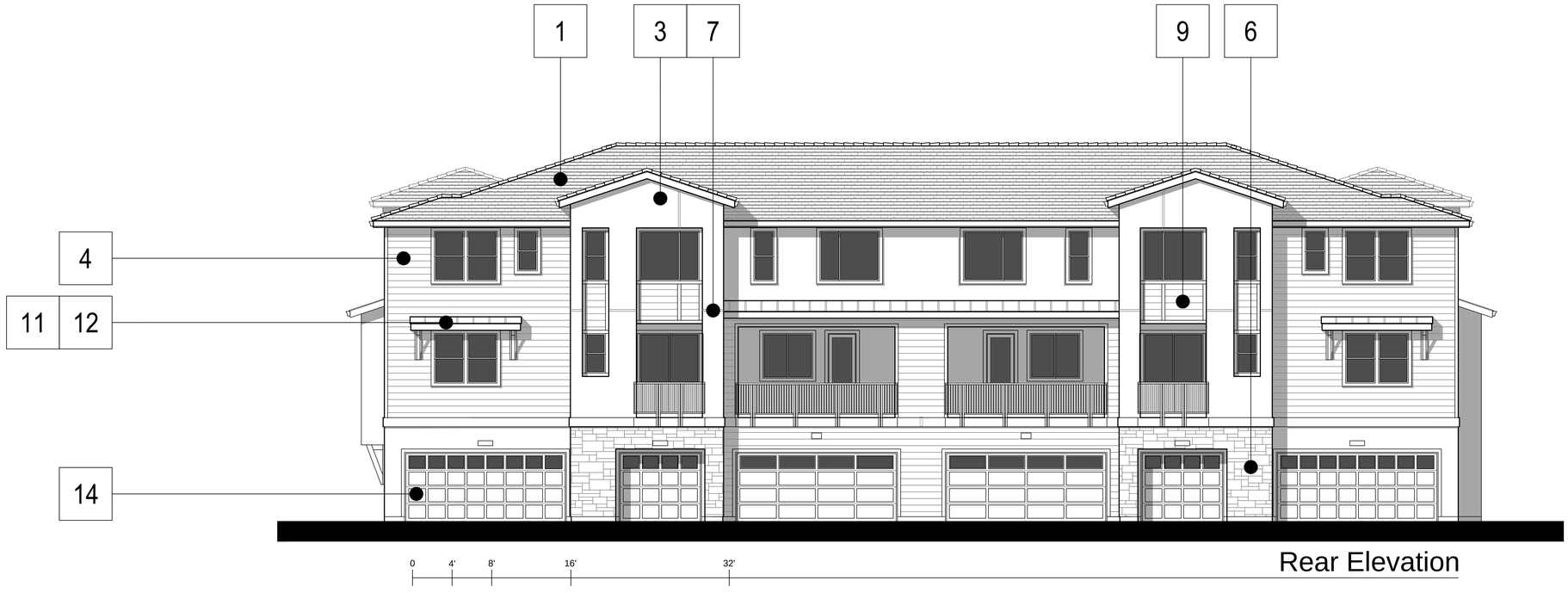
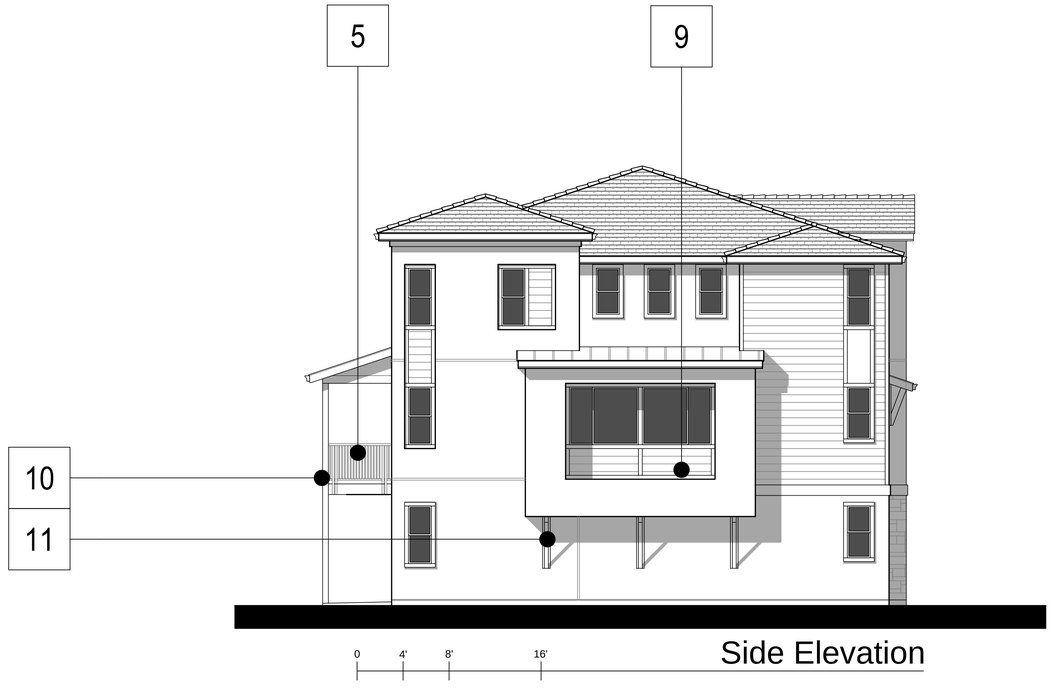


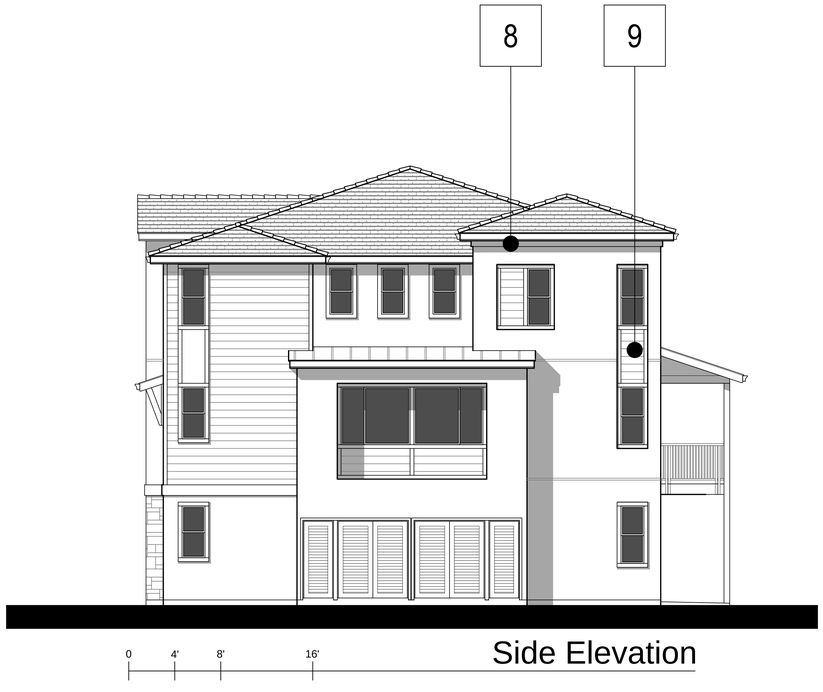
Rear Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door



Side Elevation



Side Elevation

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 5 - SIDE AND REAR ELEVATIONS - STYLE A

A2.5.1

MILPITAS, CA

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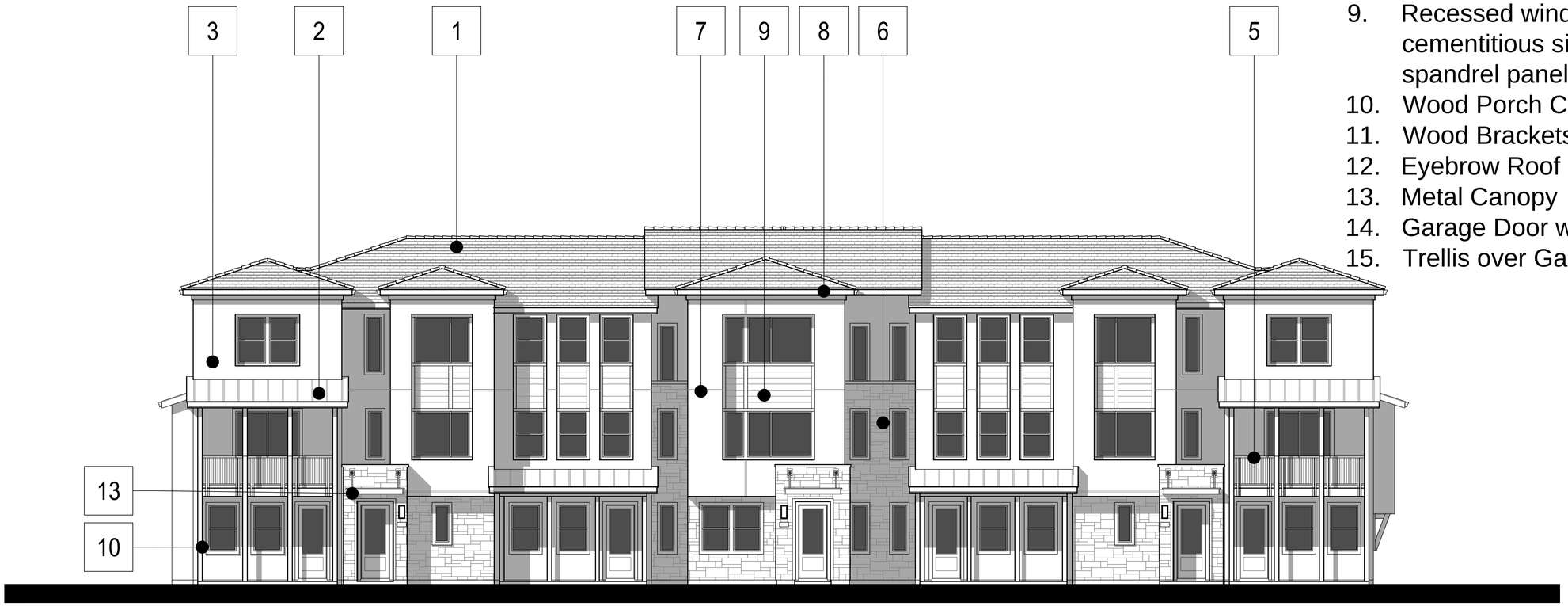
Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door



0 4' 8' 16' 32' 64' 128'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 7 - FRONT ELEVATION - STYLE A

A2.7.0

MILPITAS, CA

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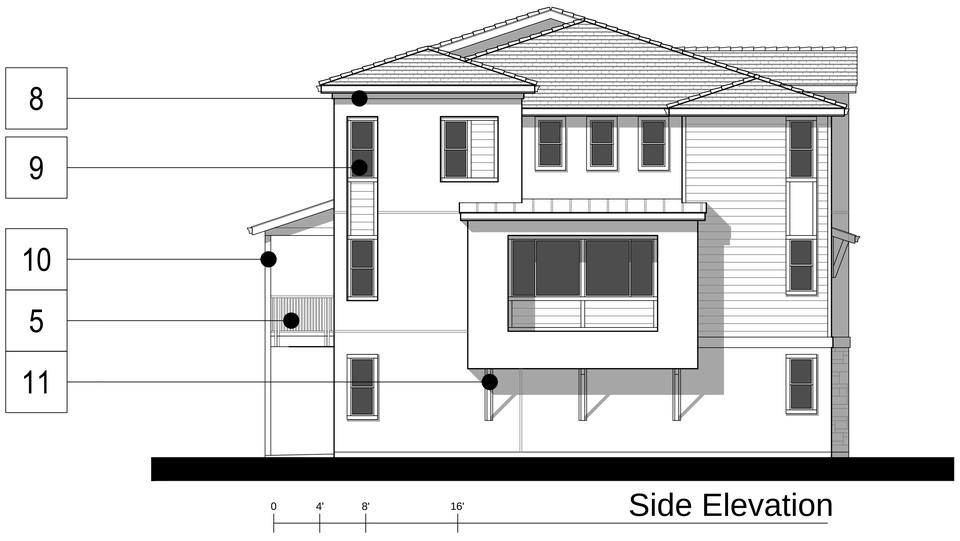
Rear Elevation



Side Elevation

Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 7 - SIDE AND REAR ELEVATIONS - STYLE A

A2.7.1

MILPITAS, CA

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Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

0 4' 8' 16' 32' 64' 128'

Front Elevation
(public streets & paseos)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 8 - FRONT ELEVATION - STYLE A

MILPITAS, CA

KTGY # 2014-0262

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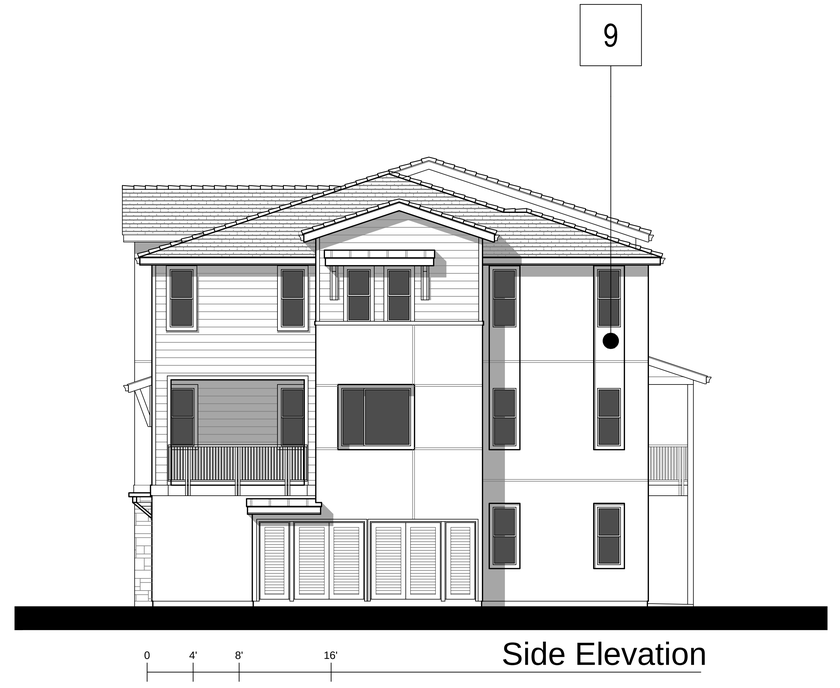
A2.8.0

0 4' 8' 16' 32' 64' 128'

Rear Elevation

0 4' 8' 16'

Side Elevation



0 4' 8' 16'

Side Elevation

Materials Legend - Style A

1. Flat concrete tile roof
2. Standing seam metal accent roof
3. Cement plaster
4. Cementitious siding
5. Metal railing
6. Stone veneer
7. Wide reveal plaster joints
8. Closed Eave Detail
9. Recessed window with cementitious siding spandrel panel
10. Wood Porch Columns
11. Wood Brackets w/ Kicker
12. Eyebrow Roof
13. Metal Canopy
14. Garage Door w/ Windows
15. Trellis over Garage Door

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

BUILDING TYPE 8 - SIDE AND REAR ELEVATIONS - STYLE A

MILPITAS, CA

KTGY # 2014-0262

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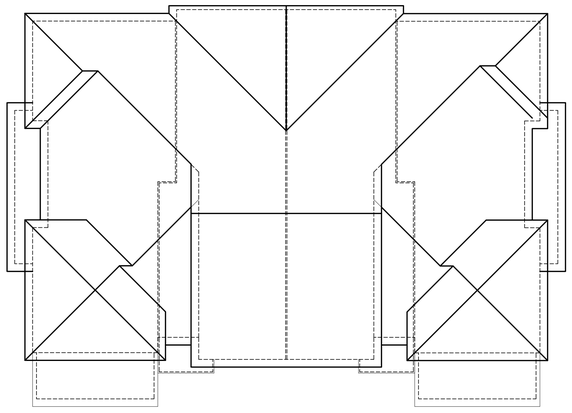
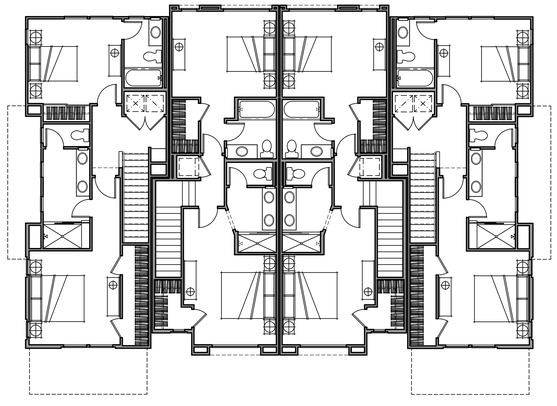
A2.8.1

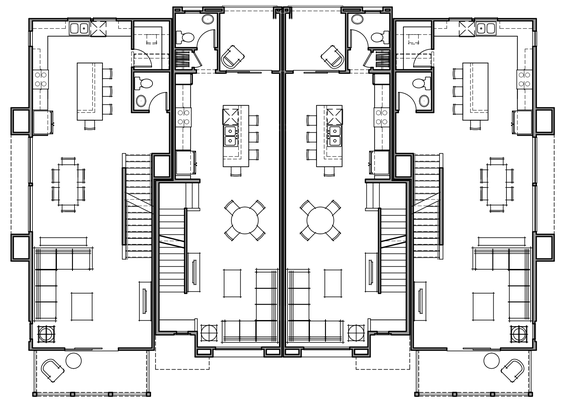


ROOF PLAN



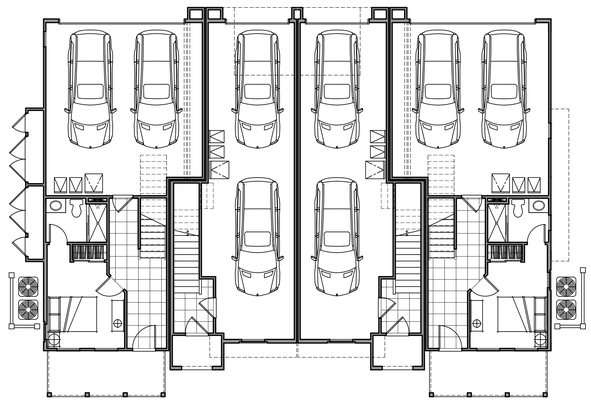
Plan 2 Plan 1 Plan 1 Plan 2

THIRD FLOOR



Plan 2 Plan 1 Plan 1 Plan 2

SECOND FLOOR



Plan 2 Plan 1 Plan 1 Plan 2

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 1

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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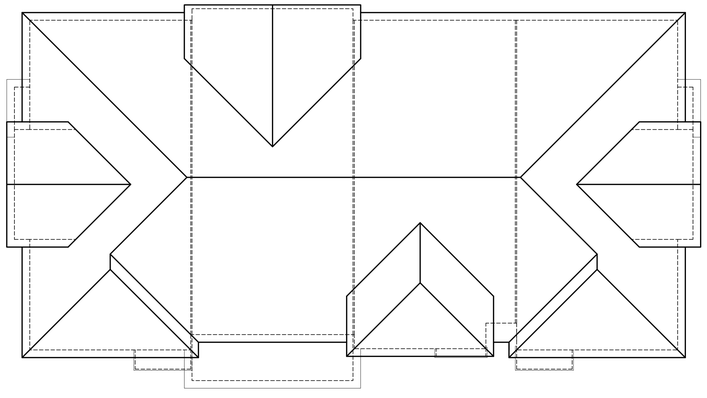
0 4' 8' 16'

A3.1



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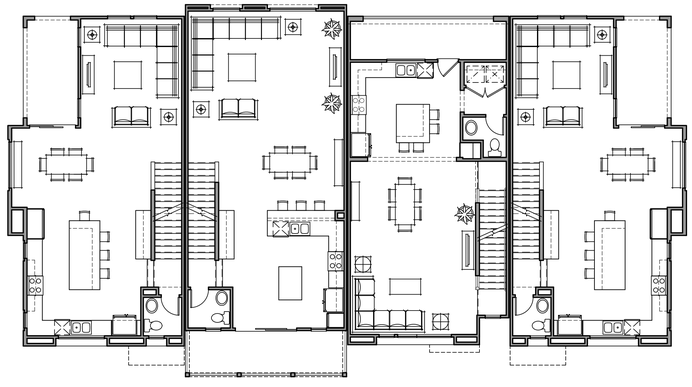

Plan 4_alt Plan 4 Plan 3 Plan 4_alt

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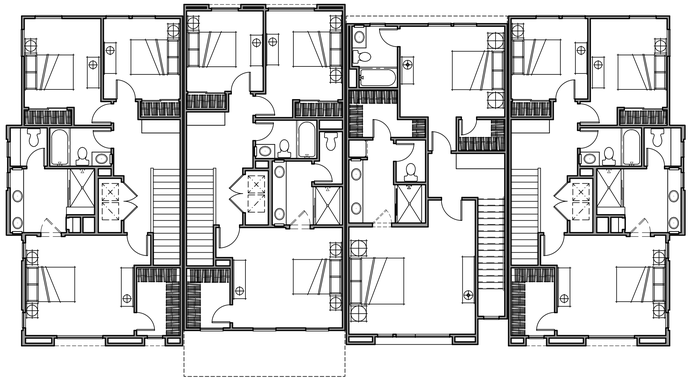

Plan 4_alt Plan 4 Plan 3 Plan 4_alt

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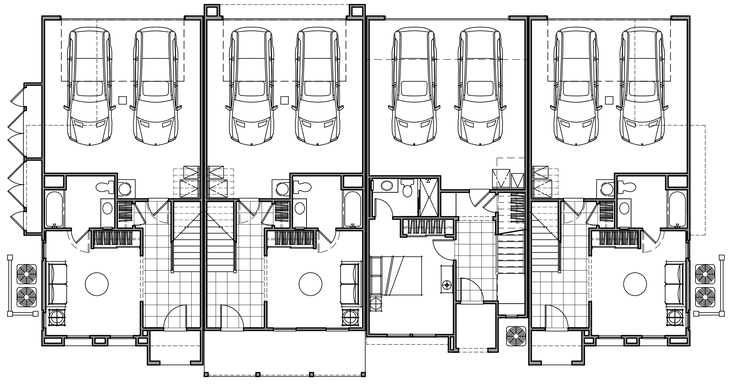

Plan 4_alt Plan 4 Plan 3 Plan 4_alt

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 2

MILPITAS, CA

KTGY # 2014-0262

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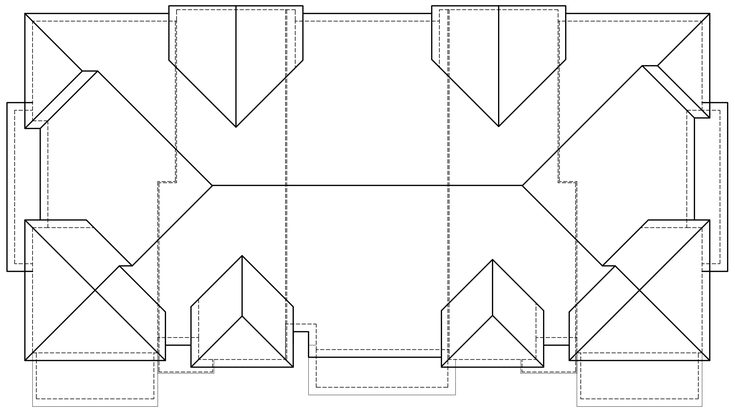
0 4' 8' 16'

A3.2



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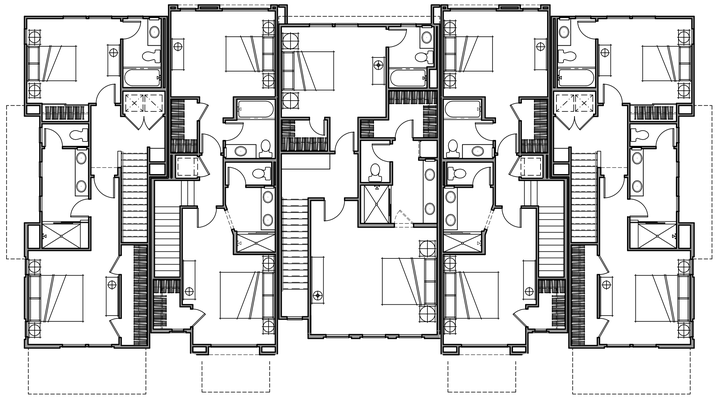

Plan 2 Plan 1 Plan 3_alt Plan 1 Plan 2

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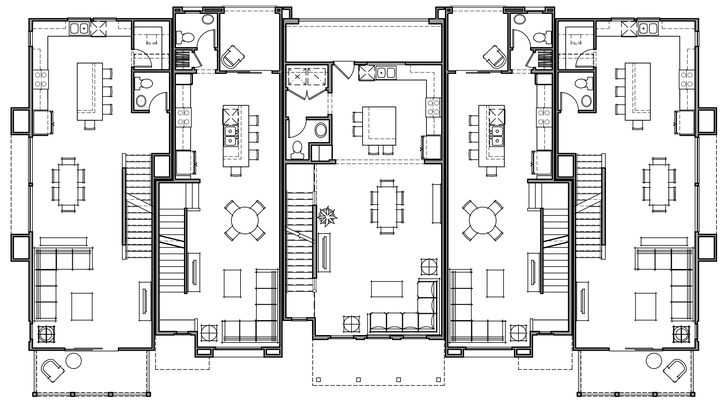

Plan 2 Plan 1 Plan 3_alt Plan 1 Plan 2

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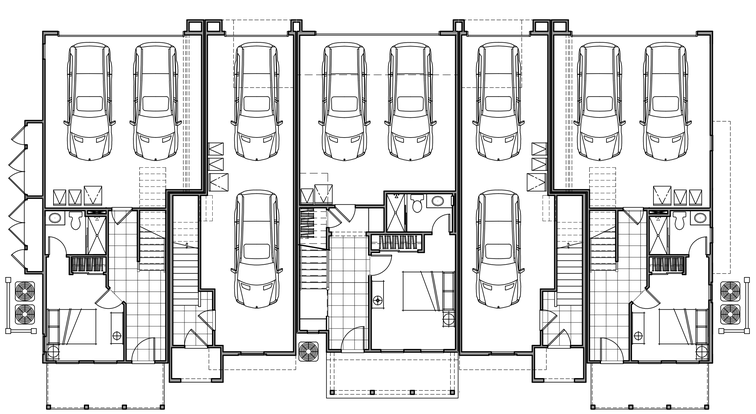

Plan 2 Plan 1 Plan 3_alt Plan 1 Plan 2

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 3

MILPITAS, CA

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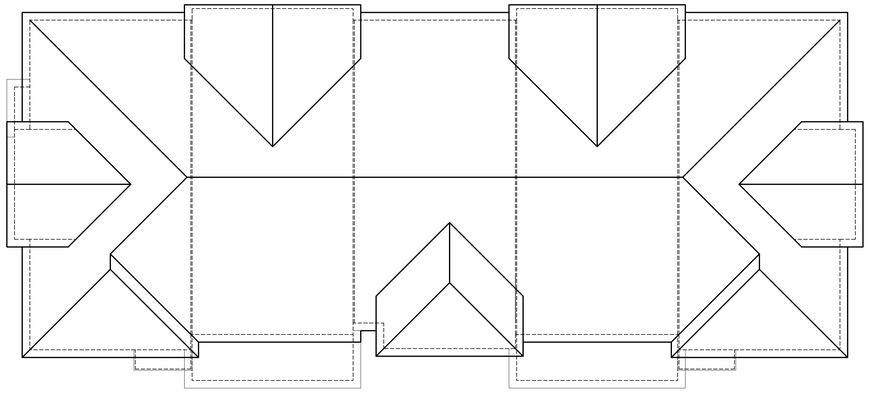
0 4' 8' 16'

A3.3



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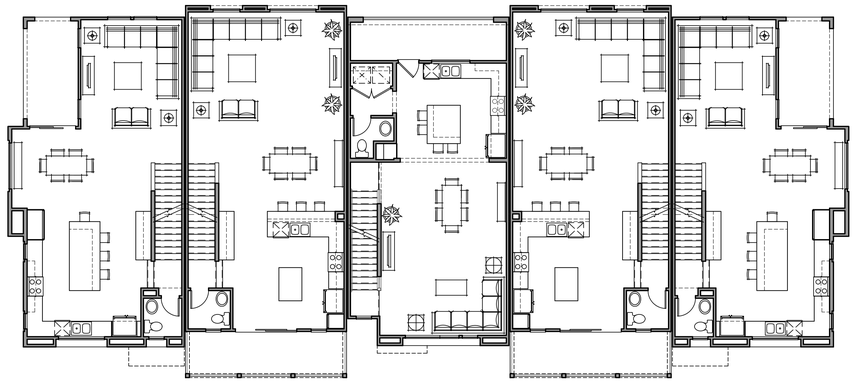

Plan 4-alt Plan 4 Plan 3 Plan 4 Plan 4-alt

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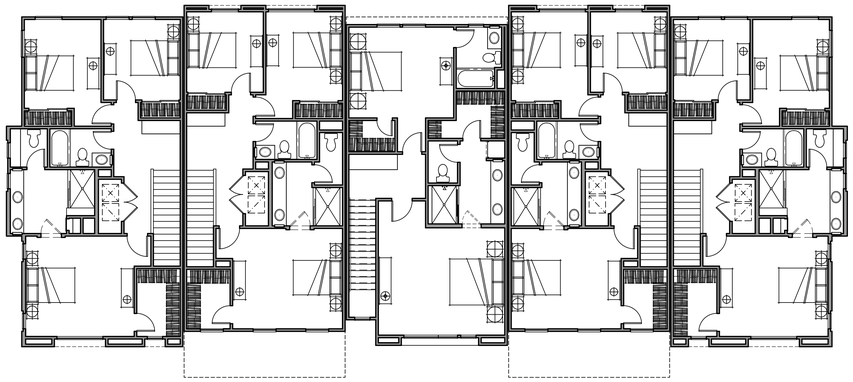

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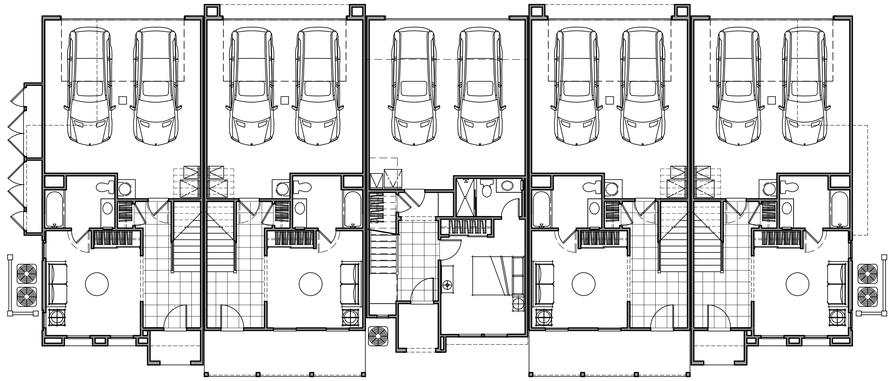

Plan 4-alt Plan 4 Plan 3 Plan 4 Plan 4-alt

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 4

MILPITAS, CA

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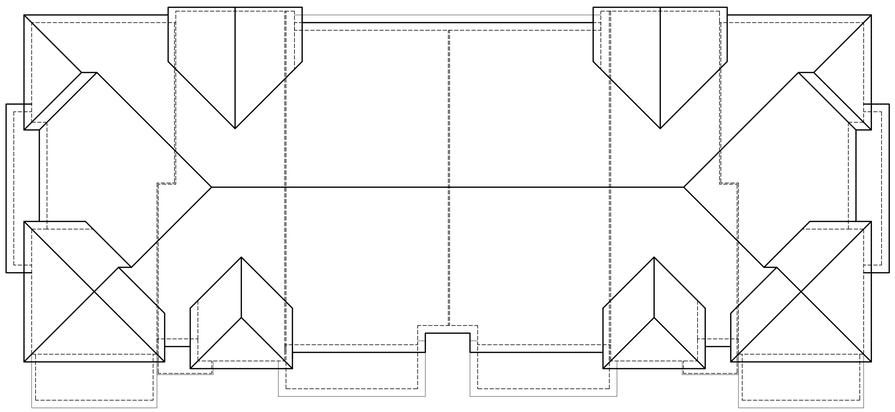
0 4' 8' 16'

A3.4



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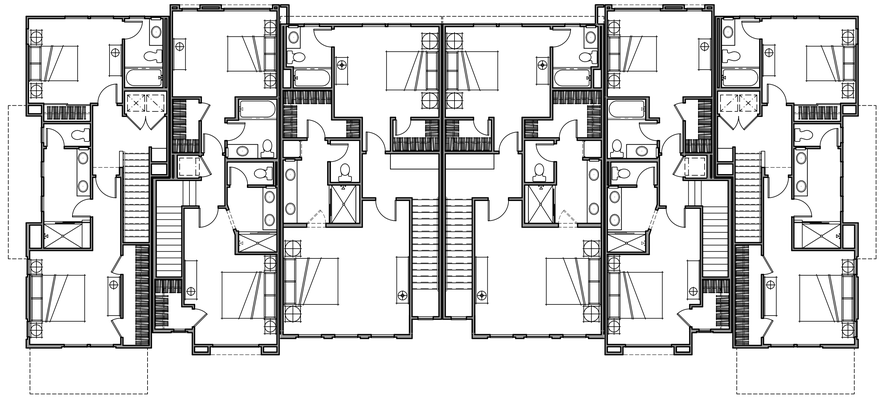
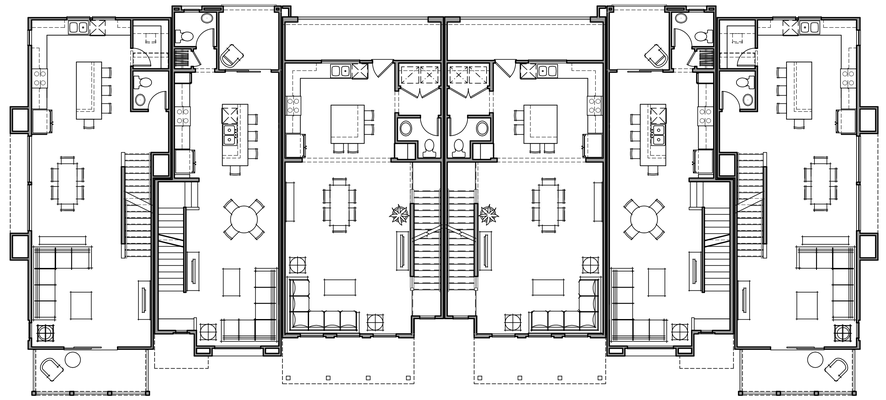


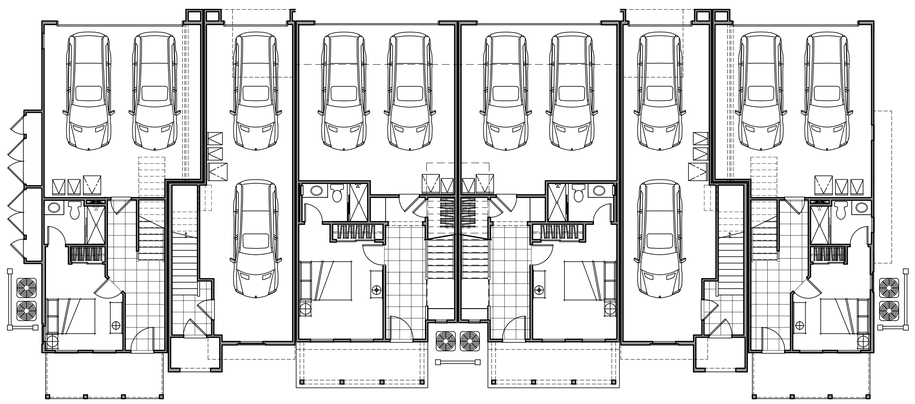
Plan 2 Plan 1 Plan 3_alt Plan 3_alt Plan 1 Plan 2

THIRD FLOOR



Plan 2 Plan 1 Plan 3_alt Plan 3_alt Plan 1 Plan 2

SECOND FLOOR



Plan 2 Plan 1 Plan 3_alt Plan 3_alt Plan 1 Plan 2

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 5

MILPITAS, CA

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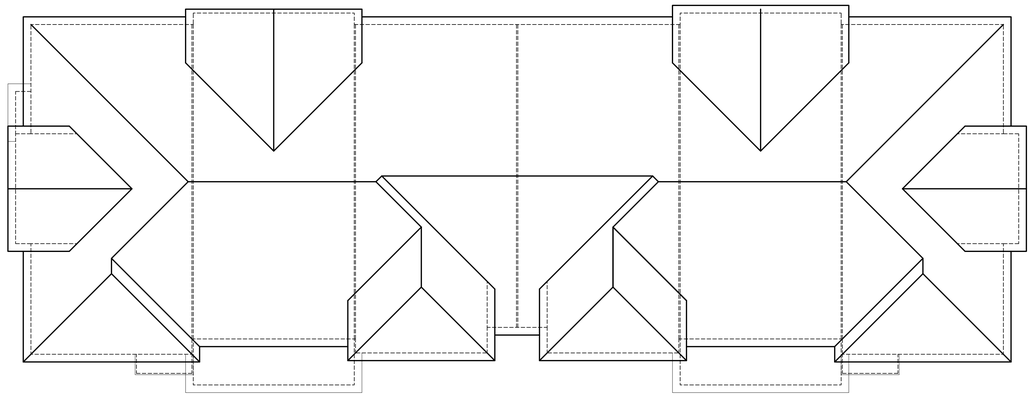
0 4' 8' 16'

A3.5



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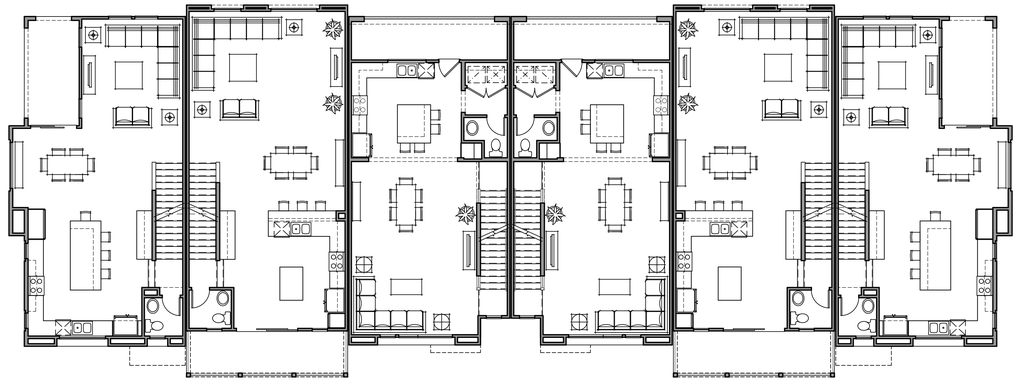

Plan 4-alt Plan 4 Plan 3 Plan 3 Plan 4 Plan 4-alt

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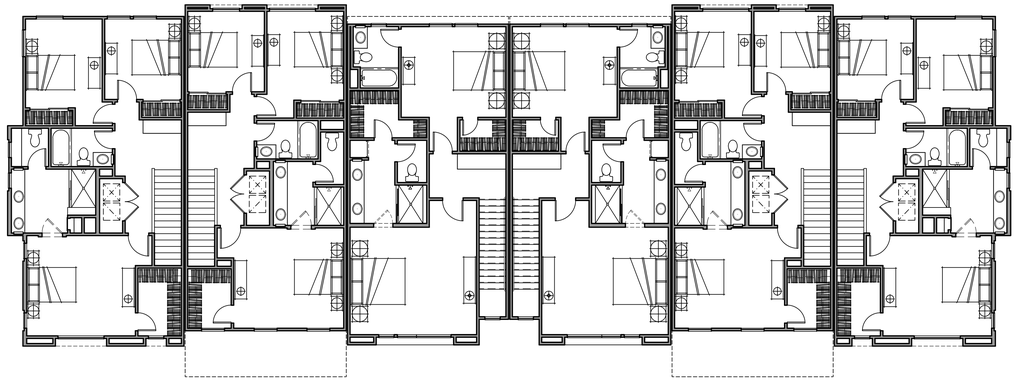

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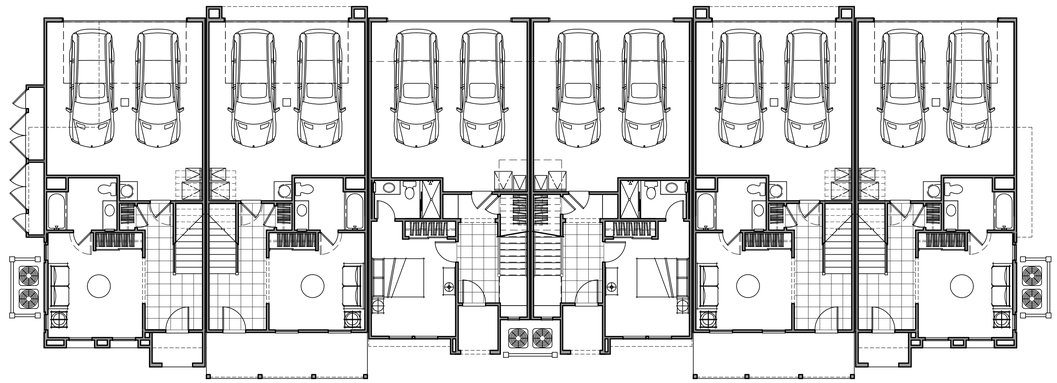

Plan 4-alt Plan 4 Plan 3 Plan 3 Plan 4 Plan 4-alt

FIRST FLOOR

0 4' 8' 16'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 6

MILPITAS, CA

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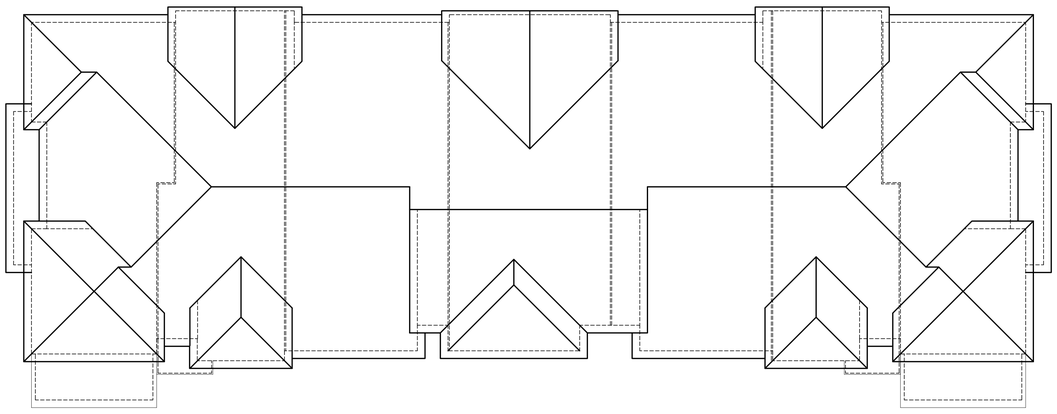
A3.6



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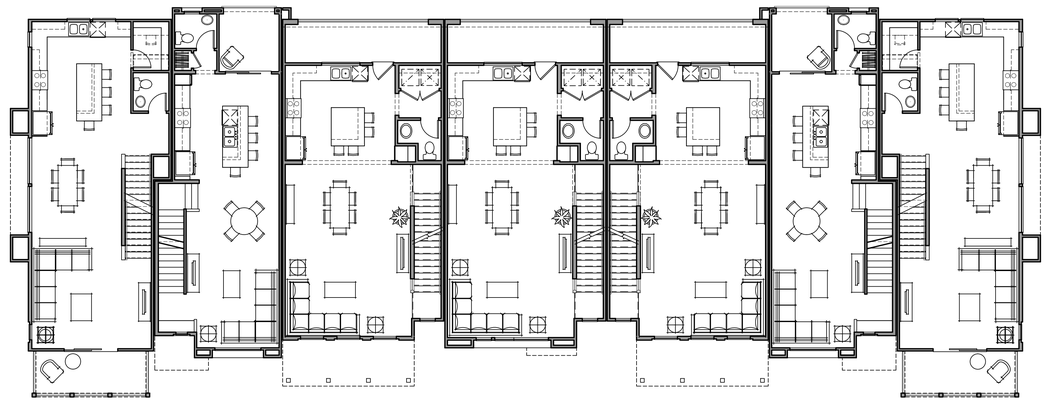

Plan 2 Plan 1 Plan 3_alt Plan 3 Plan 3_alt Plan 1 Plan 2

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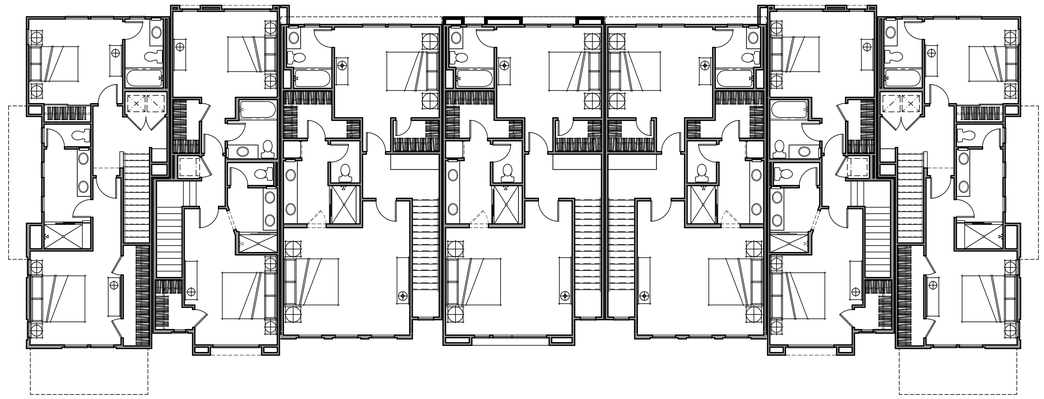

Plan 2 Plan 1 Plan 3_alt Plan 3 Plan 3_alt Plan 1 Plan 2

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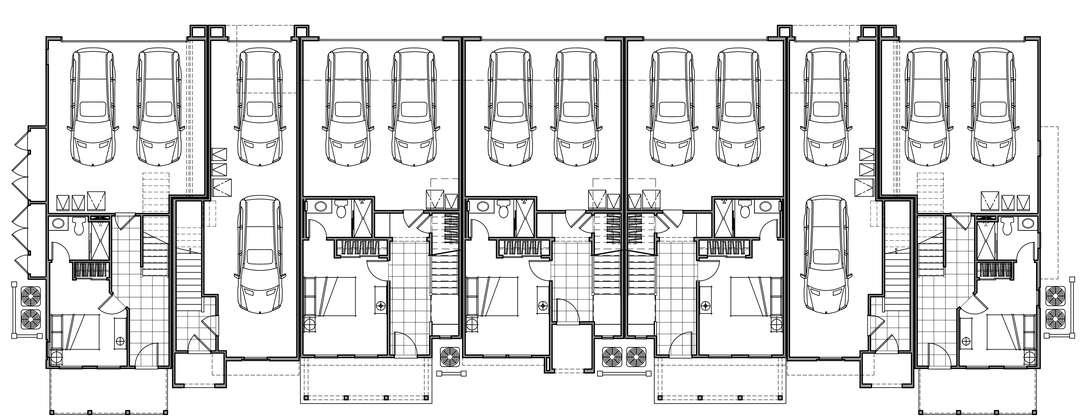

Plan 2 Plan 1 Plan 3_alt Plan 3 Plan 3_alt Plan 1 Plan 2

FIRST FLOOR

0 4' 8' 16'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 7

MILPITAS, CA

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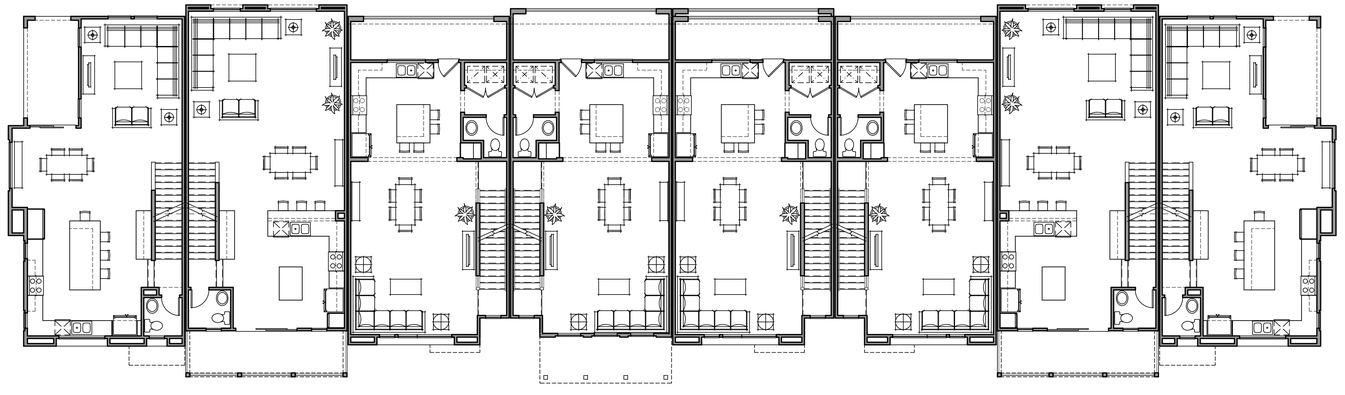
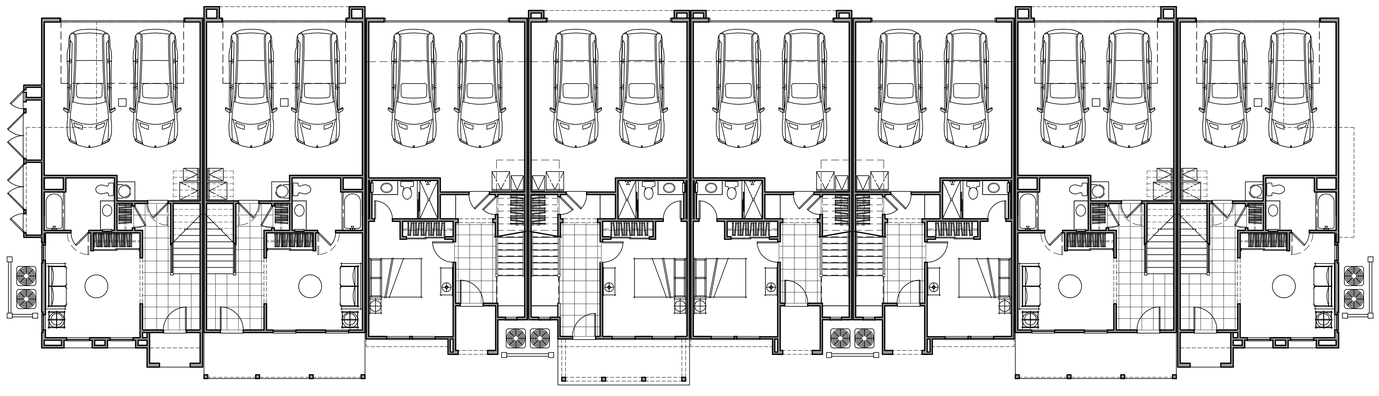
A3.7



Plan 4-alt | Plan 4 | Plan 3 | Plan 3-alt | Plan 3-alt | Plan 3 | Plan 4 | Plan 4-alt

SECOND FLOOR



Plan 4-alt | Plan 4 | Plan 3 | Plan 3-alt | Plan 3-alt | Plan 3 | Plan 4 | Plan 4-alt

FIRST FLOOR

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 8

MILPITAS, CA

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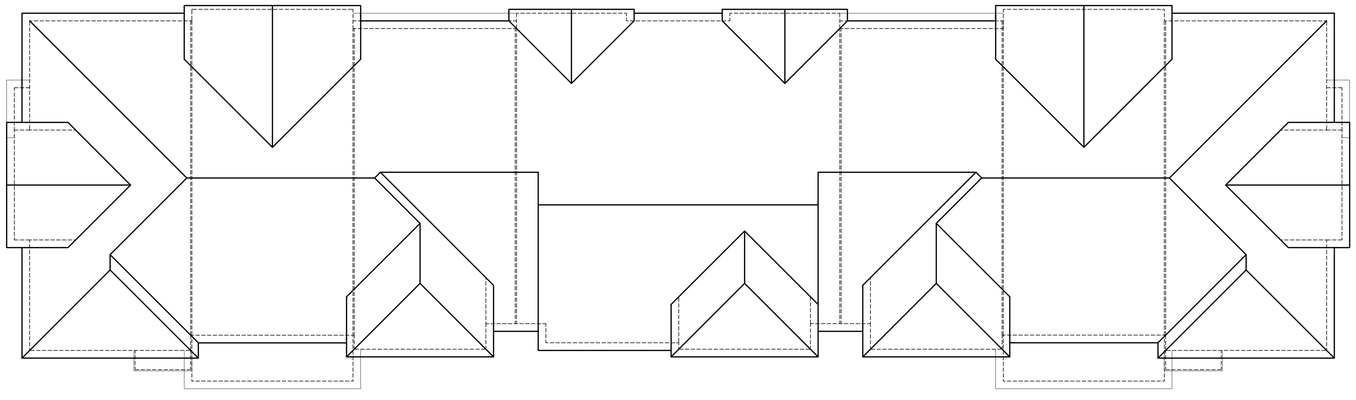
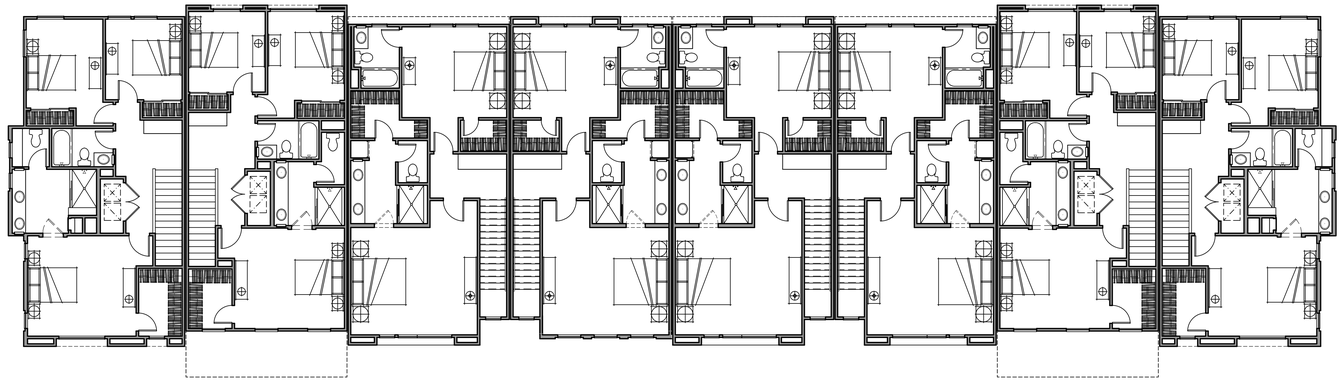
0 4' 8' 16'

A3.8



ROOF PLAN



Plan 4-alt | Plan 4 | Plan 3 | Plan 3-alt | Plan 3-alt | Plan 3 | Plan 4 | Plan 4-alt

THIRD FLOOR

0 4' 8' 16'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

COMPOSITE PLAN - BUILDING 8

MILPITAS, CA

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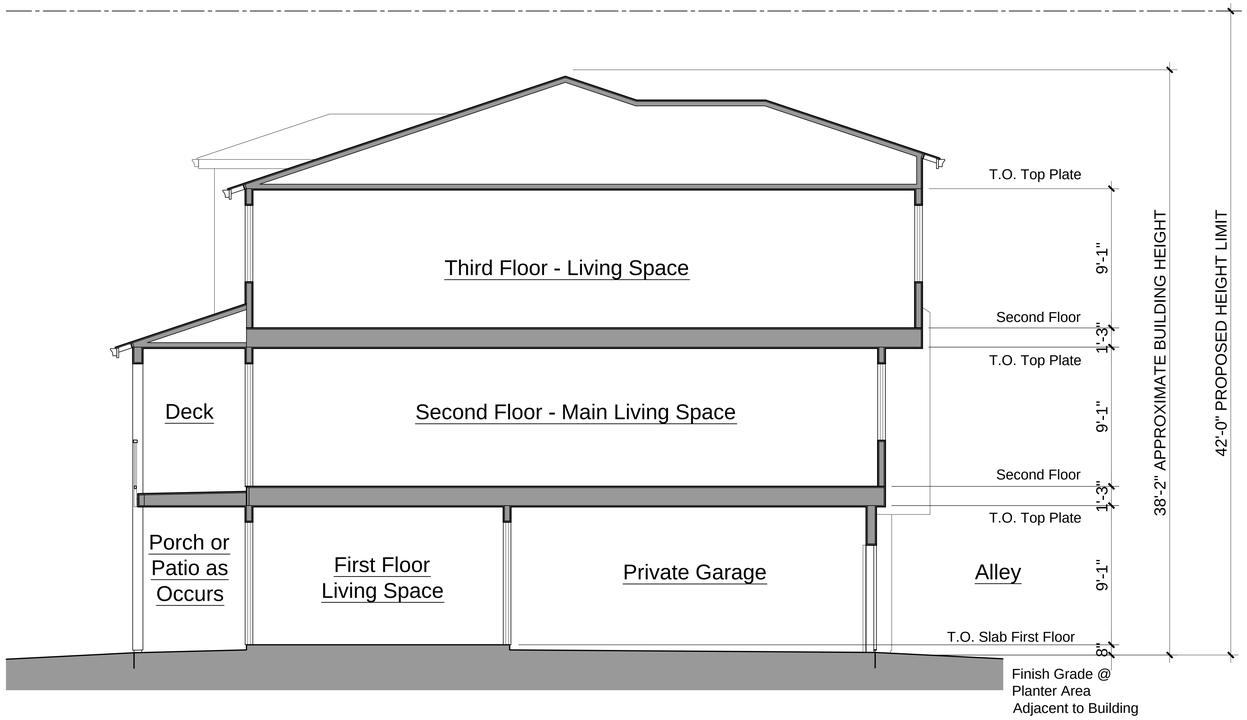
A3.9



0 4' 8' 16'

Enhance Side Elevation
(facing creek)

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

TYPICAL BUILDING SECTION

MILPITAS, CA

KTGY # 2014-0262

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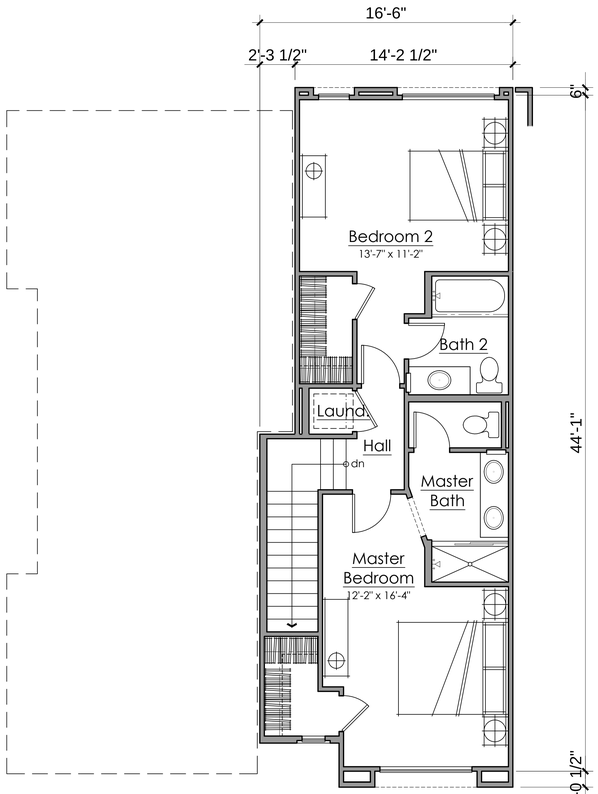
A4.0



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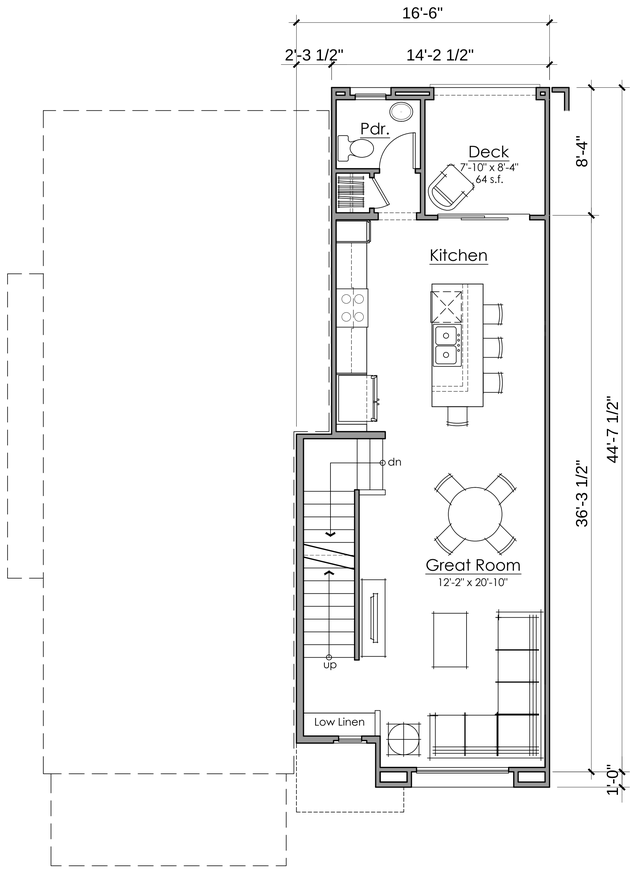
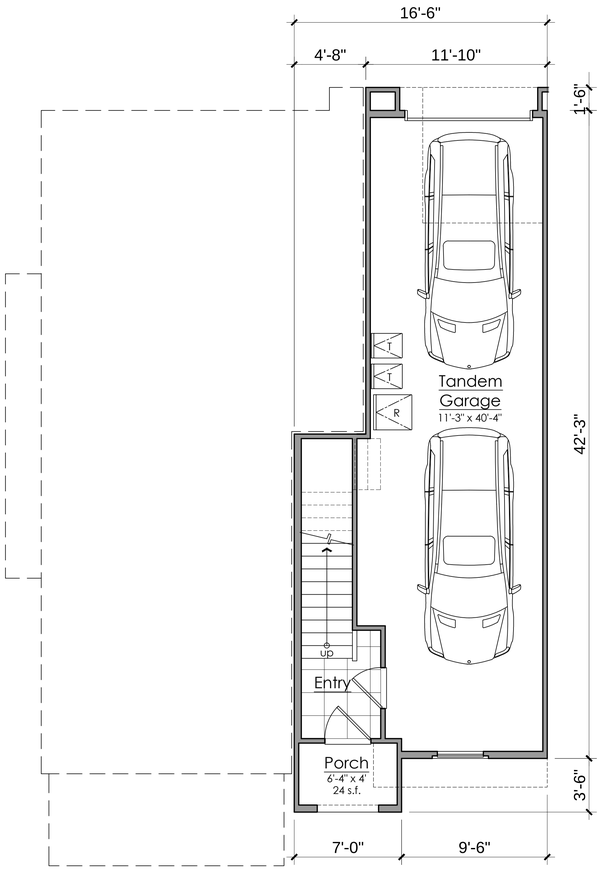


SECOND FLOOR



FIRST FLOOR

2 BR / 2.5 BA
1236 SF NET
457 SF NET GARAGE

0 2' 4' 8'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

FLOOR PLAN - TYPE 1

MILPITAS, CA

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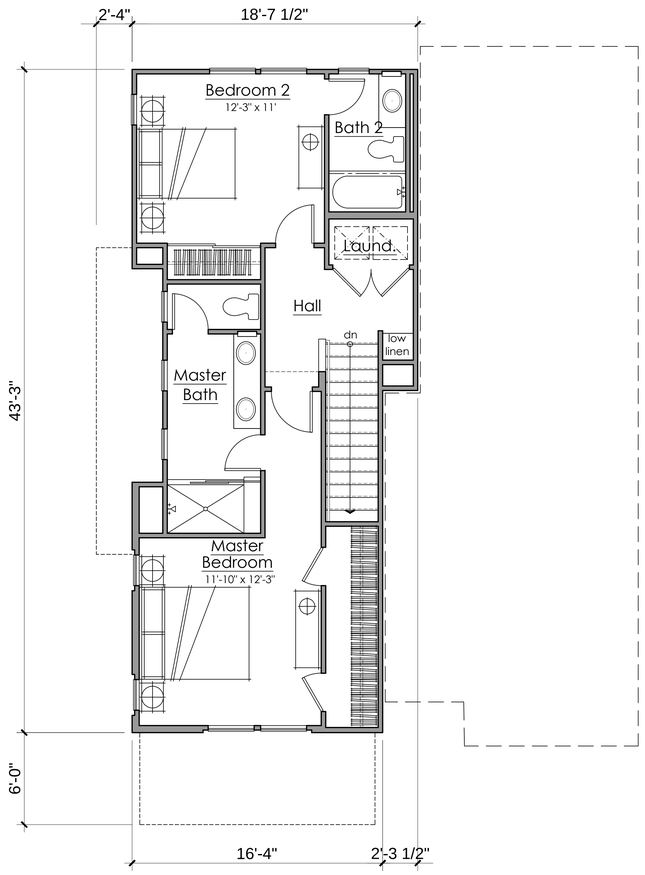
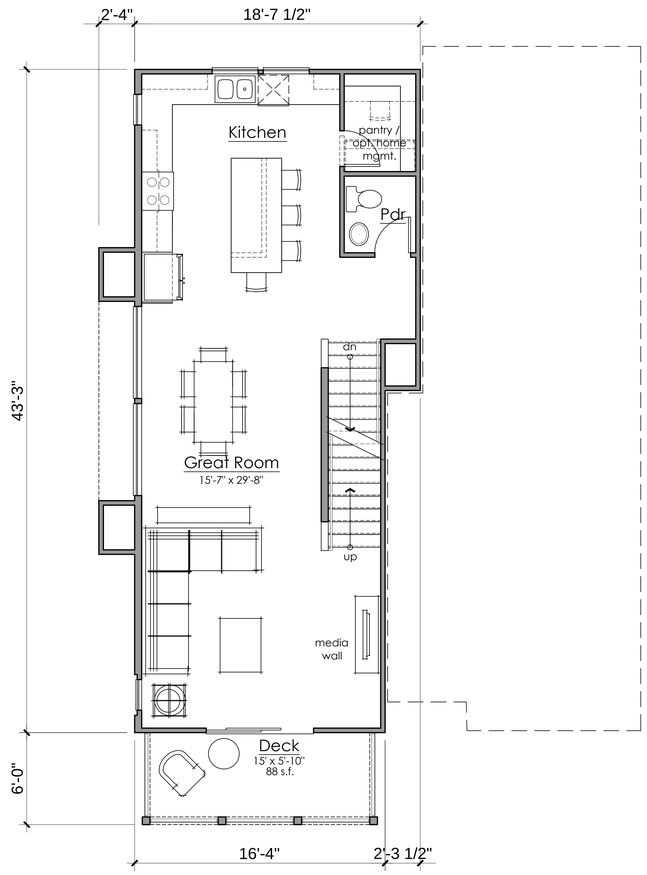
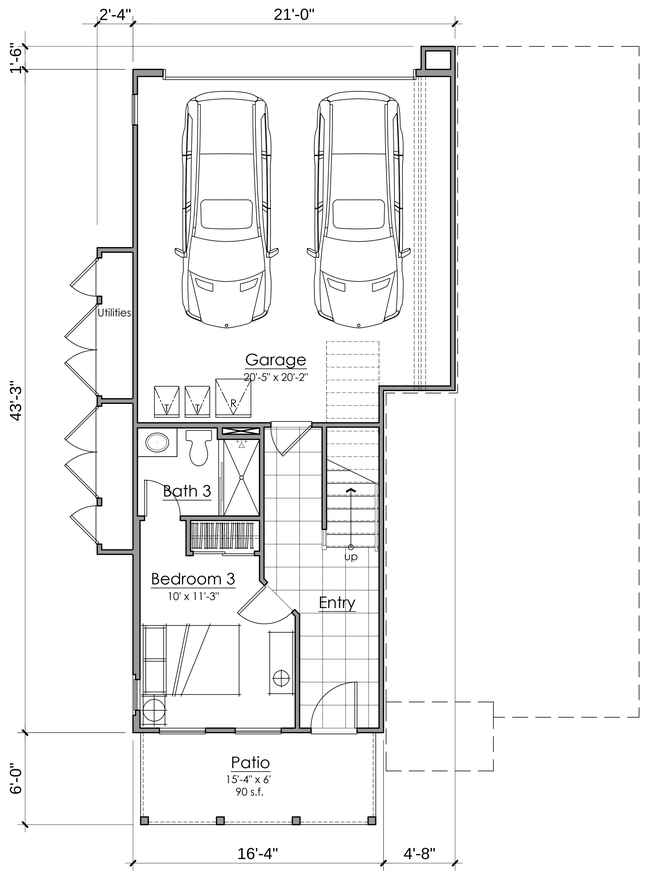
A5.1







THIRD FLOOR

SECOND FLOOR

FIRST FLOOR

3 BR / 3.5 BA
1680 SF NET
450 SF NET GARAGE

0 2' 4' 8'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

FLOOR PLAN - TYPE 2

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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Architecture+Planning
580 Second St., Suite 200
Oakland, CA 94607
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81 14TH ST., SAN FRANCISCO, CA
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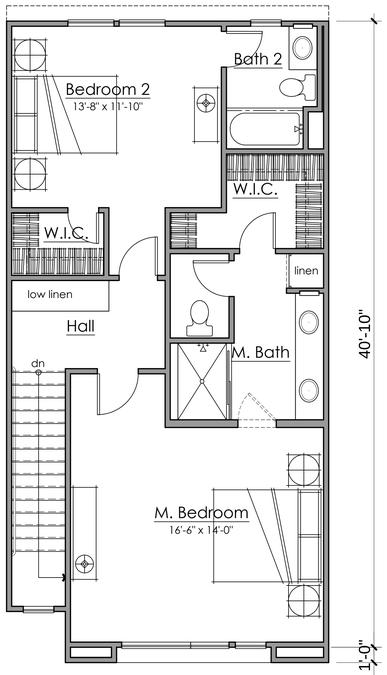
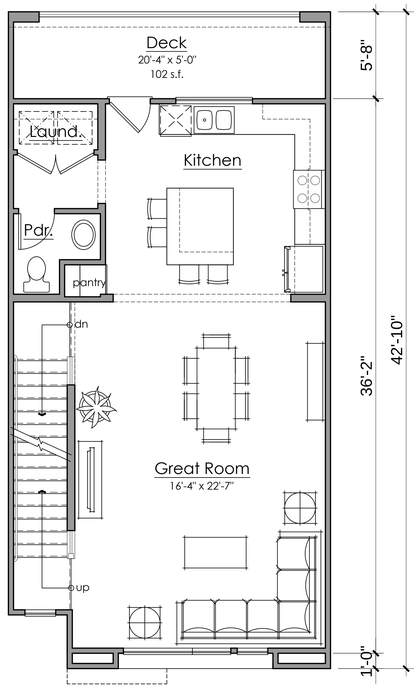
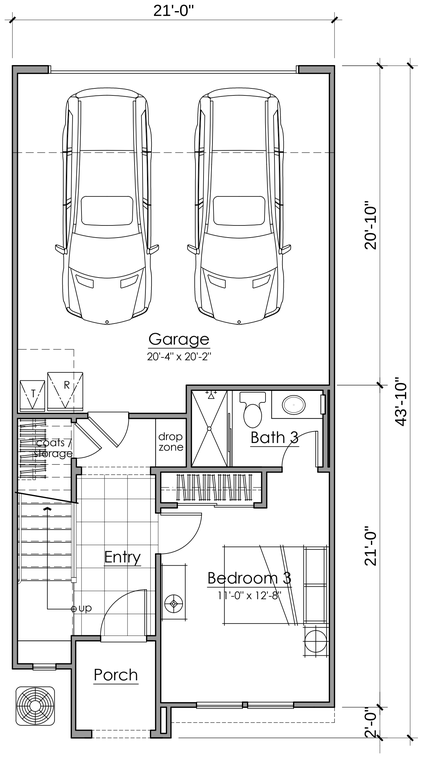
A5.2

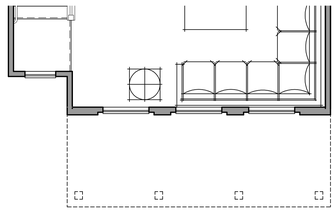






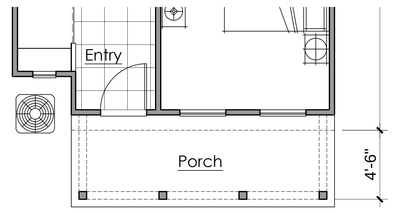
PLAN 3
1855 SF NET
432 SF NET GARAGE

THIRD FLOOR



PLAN 3-ALT
1880 SF NET
432 SF NET GARAGE

SECOND FLOOR



FIRST FLOOR

3 BR / 3.5 BA

0 2' 4' 8'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

FLOOR PLAN - TYPE 3

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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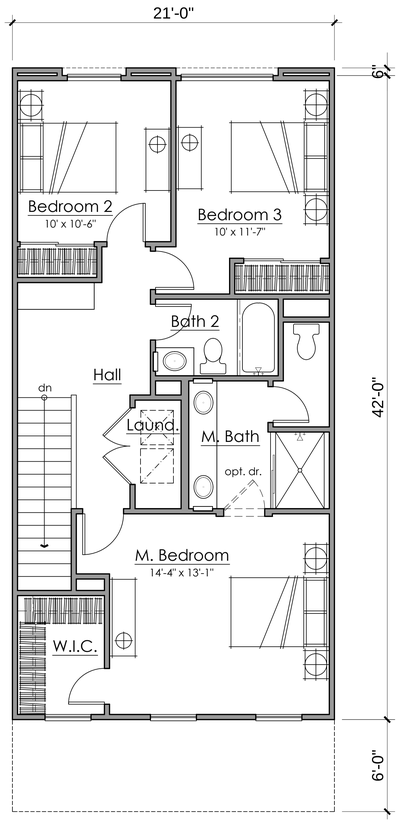
A5.3



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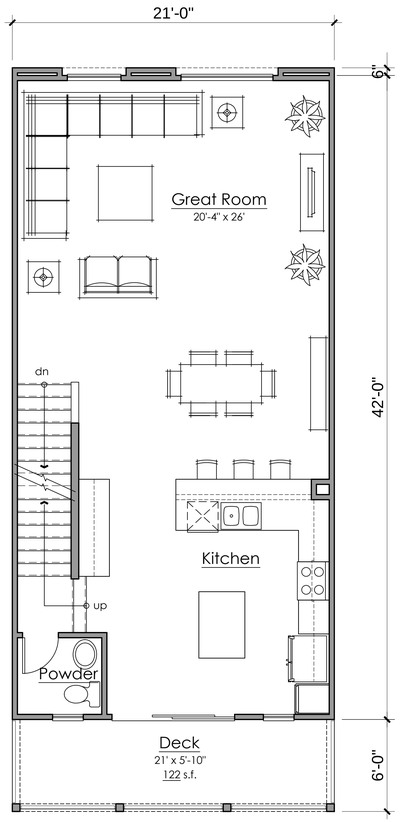

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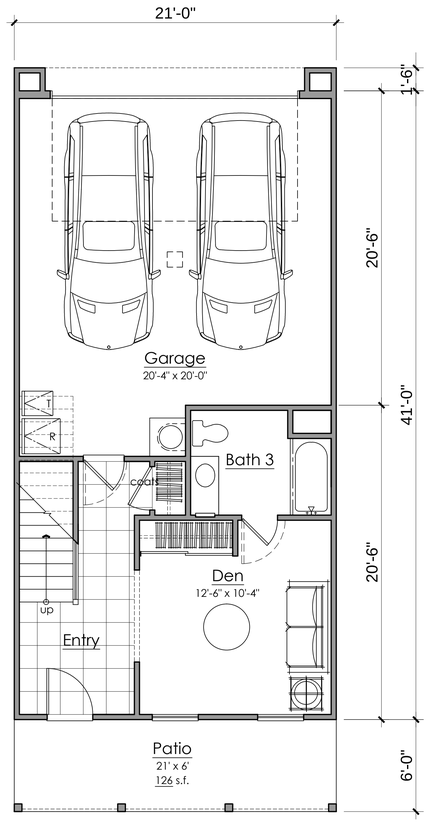

FIRST FLOOR

3 BR / 3.5 BA
2024 SF NET
443 SF NET GARAGE

0 2' 4' 8'

A5.4

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

FLOOR PLAN - TYPE 4

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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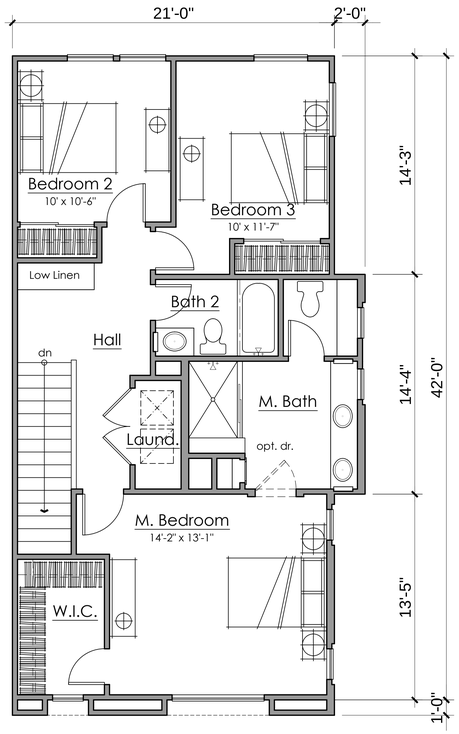

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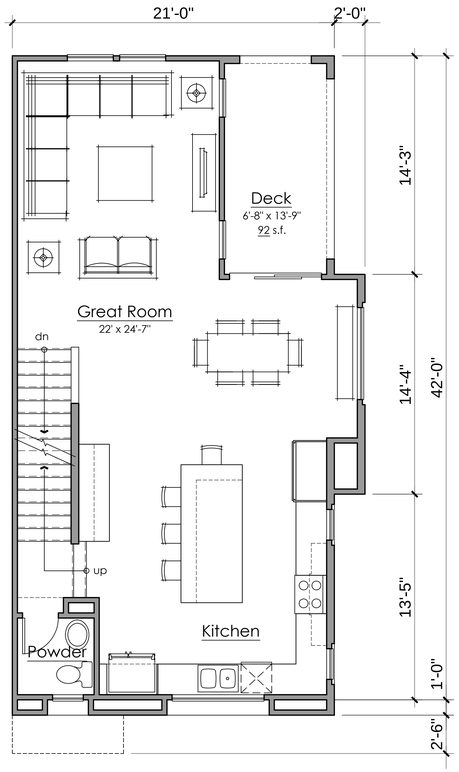
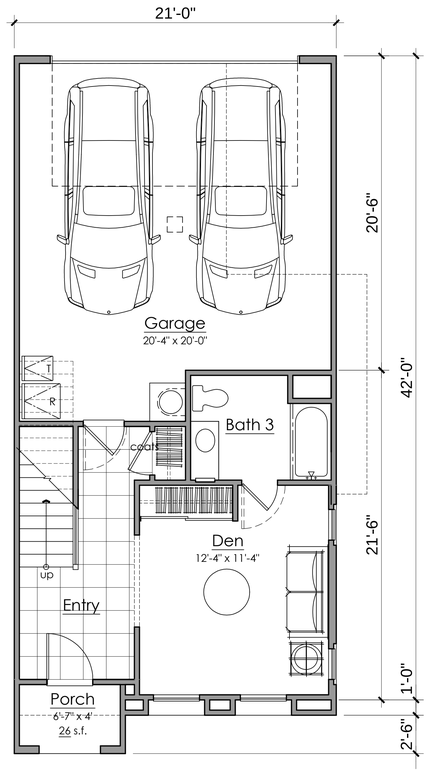


SECOND FLOOR



FIRST FLOOR

3 BR / 3.5 BA
1978 SF NET
443 SF NET GARAGE

0 2' 4' 8'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

FLOOR PLAN - TYPE 4-alt

MILPITAS, CA

KTGY # 2014-0262

08.18.2014 1st SUBMITTAL
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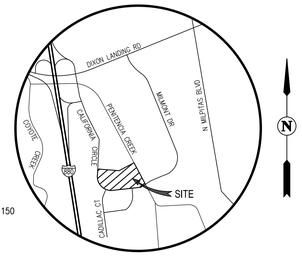
A5.5

CONTACTS

1.	SUBDIVIDER:	iSTAR FINANCIAL INC 1 SANSOME STREET, 30TH FLOOR SAN FRANCISCO, CA 94104 (415) 391-4300 ERICH STIGER
2.	ENGINEER:	CARLSON, BARBEE & GIBSON, INC 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CA 94583 (925) 866-0322 JASON NERI, RCE 59136
3.	SOILS ENGINEER:	ENGEO, INC 6399 SAN IGNACIO AVENUE, SUITE 150 SAN JOSE, CA 95119 (408) 574-4900



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

1.	ASSESSORS PARCEL NO:	022-37-017
2.	SITE ADDRESS:	1210 CALIFORNIA CIRCLE MILPITAS, CA
3.	SITE AREA:	9.45± ACRES
4.	DWELLING UNITS:	144 UNITS
5.	EXISTING ZONING: PROPOSED ZONING: DENSITY:	INDUSTRIAL PARK (MP) PD 15.2 DU/AC
6.	EXISTING USE: PROPOSED USE:	INDUSTRIAL MULTI-FAMILY RESIDENTIAL
7.	MINIMUM LOT SIZE:	5,000 SF
8.	BASIS OF BEARINGS:	THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN IN CALIFORNIA CIRCLE, THE BEARING BEING N04°54'30"E PER 532 M 48.
9.	BENCHMARK:	SANTA CLARA VALLEY WATER DISTRICT BENCHMARK BM062: BRASS DISK AT THE SOUTHWESTERLY CORNER OF BRIDGE FOR CALIFORNIA CIRCLE/MILMONT DRIVE OVER PENITENCIA CREEK AT 350 FEET EASTERLY FROM FAIRVIEW WAY. EL 25.35 FEET (NAVD 88)
10.	EXISTING STRUCTURES:	ALL EXISTING BUILDINGS, PAVEMENT AND TREES WITHIN BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
11.	EXISTING UTILITIES:	ALL EXISTING UTILITY VAULTS WITHIN THE CALIFORNIA CIRCLE FRONTAGE TO REMAIN. ALL OTHER EXISTING UTILITIES WITHIN THE BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED.
12.	STREETS:	ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND WILL BE PRIVATELY MAINTAINED. ALL PRIVATE STREETS WILL BE WITHIN PSUE'S (MINIMUM LONGITUDINAL SLOPE = 0.6%). ACCESS EASEMENTS WILL BE PROVIDED TO UTILITY OWNERS.
13.	STREET LIGHTS:	EXISTING STREET LIGHTS ALONG CALIFORNIA CIRCLE TO REMAIN AND WILL BE PUBLICLY OWNED AND MAINTAINED. STREET LIGHTS ALONG PRIVATE STREETS WILL BE PRIVATELY MAINTAINED.
14.	WALLS:	ALL WALLS WILL BE PRIVATE FACILITIES AND WILL BE PRIVATELY MAINTAINED.
15.	UTILITIES:	ALL UTILITIES WITHIN CALIFORNIA CIRCLE WILL BE PUBLIC FACILITIES TO BE OWNED AND MAINTAINED BY THE CITY OF MILPITAS. ALL UTILITIES WITHIN THE PROPOSED SUBDIVISION ARE PRIVATELY OWNED AND MAINTAINED, INCLUDING BUT NOT LIMITED TO, WATER, STORM AND SEWER.
16.	EASEMENTS:	EXISTING EASEMENTS MAY REQUIRE VACATION OR RELOCATION TO FACILITATE DEVELOPMENT. ALL PROPOSED, EXISTING, RELOCATED AND VACATED EASEMENTS TO BE SHOWN ON THE FINAL MAP.
17.	LANDSCAPING:	LANDSCAPING WITHIN THE CITY RIGHT-OF-WAY TO BE OWNED AND MAINTAINED BY THE CITY OF MILPITAS. ALL LANDSCAPING OUTSIDE OF THE PUBLIC RIGHT-OF-WAY TO BE PRIVATELY OWNED AND MAINTAINED.
18.	FLOOD ZONE:	ZONE AH (EL 15) REFER TO: FLOOD INSURANCE RATE MAP 06085C0058J (FEBRUARY 19, 2014) ALL PROPOSED STRUCTURES TO BE REMOVED FROM SPECIAL FLOOD HAZARD AREA (SFHA).
19.	WELLS ONSITE:	NONE
20.	WATER:	CITY OF MILPITAS
21.	STORM:	CITY OF MILPITAS
22.	SEWER:	CITY OF MILPITAS
23.	GAS & ELECTRIC:	PG&E
24.	TELEPHONE:	ATT
25.	CABLE TV:	ATT BROADBAND
26.	CONDOMINIUM MAP:	A CONDOMINIUM MAP WILL BE RECORDED FOR LOTS 1 THRU 24, PARCELS A, B, C AND D WILL BE COMMON AREA PARCELS. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET SEQ OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS SHALL BE NO MORE THAN 144 UNITS.
27.	PHASING:	THE PROJECT MAY INCLUDE MULTIPLE PHASES AND FINAL MAPS.
28.	DIMENSIONS:	ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO THE FINAL SUBDIVISION MAP.

LINE TABLE		
NO	BEARING	LENGTH
L1	N62°27'36"E	24.96'

EXISTING EASEMENTS TO REMAIN

(SEE SHEET TM.02 FOR A COMPLETE LIST OF EXISTING EASEMENTS ON PROPERTY)

1. 16' PUBLIC SERVICE UTILITY EASEMENT PER 508 M 38
2. 20' SANITARY SEWER EASEMENT IN FAVOR OF MILPITAS SANITARY DISTRICT PER C225 OR 14
3. 80' WATER MANAGEMENT AND STORM DRAINAGE EASEMENT IN FAVOR OF SANTA CLARA VALLEY WATER DISTRICT PER H302 OR 584

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		RIGHT-OF-WAY LINE
		PROPERTY LINE
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK

ABBREVIATIONS

BD	BOUNDARY
BRC	BACK OF ROLLED CURB
DW	DRIVEWAY
EX	EXISTING
EM	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FACE OF CURB
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R	RADIUS
R/W	RIGHT-OF-WAY
SCVWD	SANTA CLARA VALLEY WATER DISTRICT
SD	STORM DRAIN
SS	SANITARY SEWER
SSE	SANITARY SEWER EASEMENT
TYP	TYPICAL
W	WATER

SHEET INDEX

TM.01	VESTING TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES
TM.02	EXISTING CONDITIONS
TM.03	SITE PLAN
TM.04	PRELIMINARY GRADING & DRAINAGE PLAN
TM.05	PRELIMINARY UTILITY PLAN
TM.06	FIRE & GARBAGE TRUCK ACCESS PLAN
TM.07	PARKING PLAN
TM.08	CONDITIONS OF APPROVAL

SUBDIVISION TENTATIVE MAP

This Map has been reviewed by the City Engineer.

_____
City Engineer **Date**

Recommended for Approval by the Milpitas Planning Commission, this _____ day of _____ 20____ , and Approved by the Milpitas City Council this_____ day of _____ 20 _____ .

_____
Planning and Neighborhood Services Director **Date**

0 20 40 80

CALIFORNIA CIRCLE

VESTING TENTATIVE SUBDIVISION MAP FOR CONDOMINIUM PURPOSES

TM.01

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
Job # 2384-00 10.06.2014

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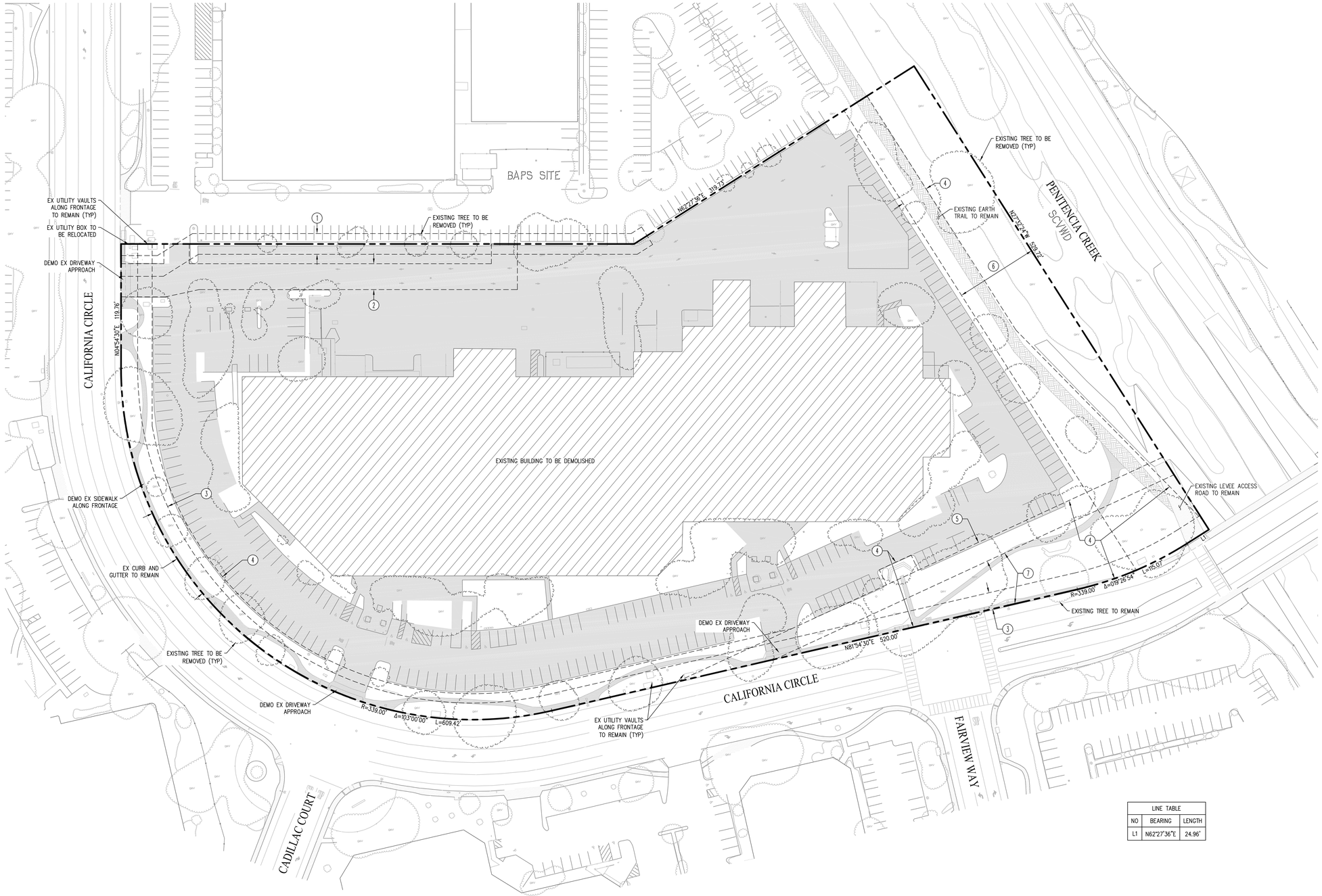

EXISTING EASEMENTS

1. 20' STORM DRAIN EASEMENT PER L695 OR 1756 TO BE QUITCLAIMED
2. INGRESS AND EGRESS EASEMENT PER L695 OR 1756 TO BE QUITCLAIMED
3. 16' PUBLIC SERVICE UTILITY EASEMENT PER 508 M 38
4. LANDSCAPE MAINTENANCE EASEMENT PER K840 OR 69 TO BE QUITCLAIMED
5. 20' SANITARY SEWER EASEMENT IN FAVOR OF MILPITAS SANITARY DISTRICT PER C225 OR 14
6. 80' WATER MANAGEMENT AND STORM DRAINAGE EASEMENT IN FAVOR OF SANTA CLARA VALLEY WATER DISTRICT PER H302 OR 584
7. SLOPE EASEMENT PER PARCEL MAP 532 M 48 TO BE QUITCLAIMED

LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE
- EXISTING BUILDING TO BE DEMOLISHED
- EXISTING PAVEMENT/CONCRETE TO BE DEMOLISHED
- EXISTING TREE TO BE REMOVED

LINE TABLE		
NO	BEARING	LENGTH
L1	N62°27'36"E	24.96'

0 20 40 80

CALIFORNIA CIRCLE

EXISTING CONDITIONS

TM.02

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

Job # 2384-00 10.06.2014

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UNIT SUMMARY

BUILDING TYPE		BUILDING COUNT	UNIT COUNT
TYPE 1	4-PLEX	5	20
TYPE 2	4-PLEX	2	8
TYPE 3	5-PLEX	6	30
TYPE 4	5-PLEX	3	15
TYPE 5	6-PLEX	2	12
TYPE 6	6-PLEX	5	30
TYPE 7	7-PLEX	3	21
TYPE 8	8-PLEX	1	8
TOTAL		27	144

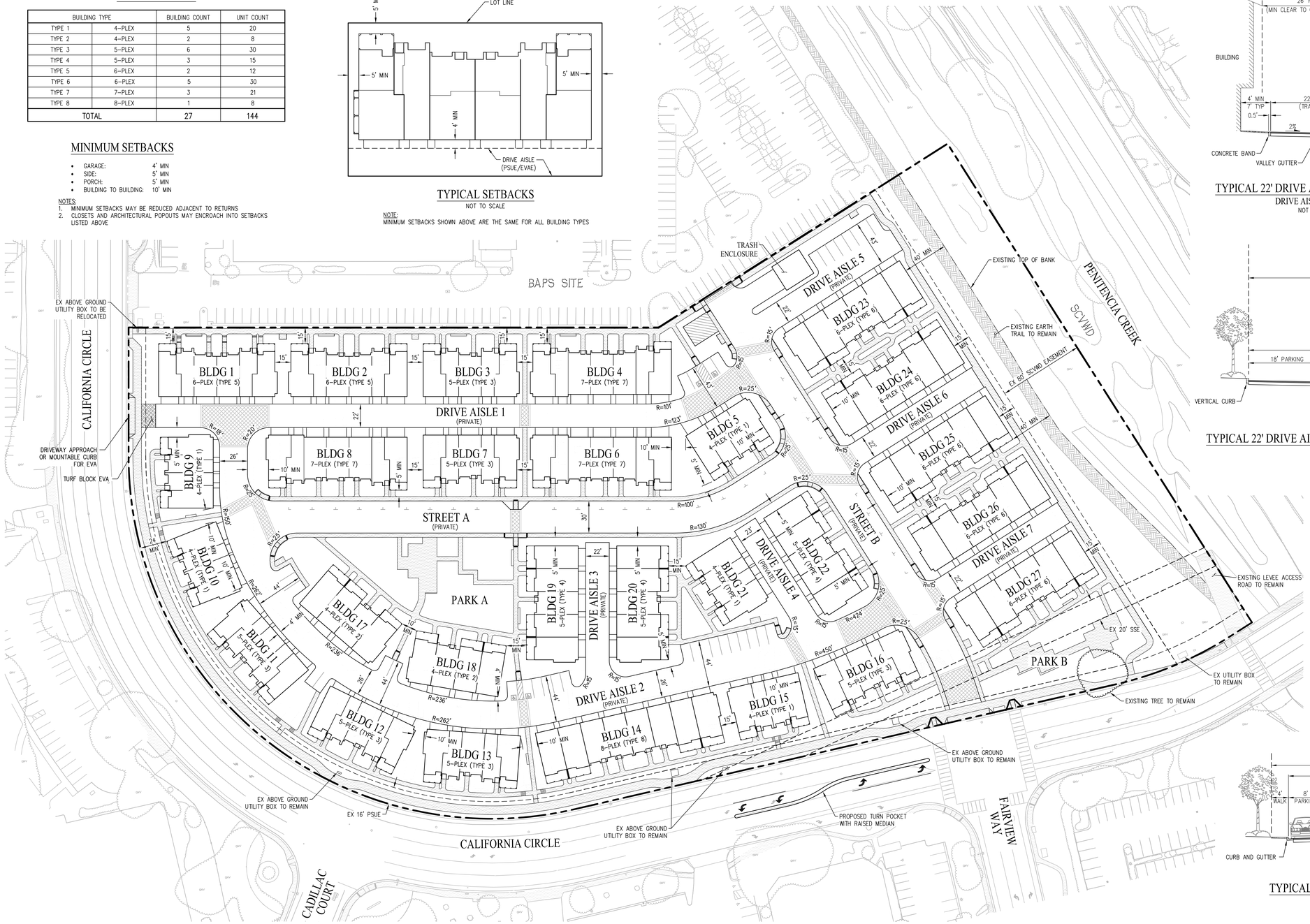
MINIMUM SETBACKS

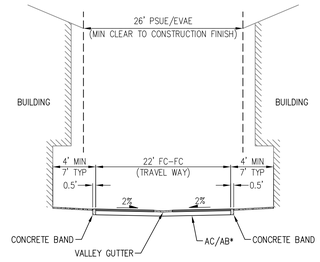
- GARAGE: 4' MIN
- SIDE: 5' MIN
- PORCH: 5' MIN
- BUILDING TO BUILDING: 10' MIN

NOTES:
1. MINIMUM SETBACKS MAY BE REDUCED ADJACENT TO RETURNS
2. CLOSETS AND ARCHITECTURAL POPOUTS MAY ENCROACH INTO SETBACKS LISTED ABOVE

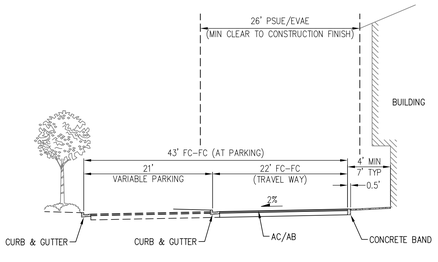
TYPICAL SETBACKS
NOT TO SCALE

NOTE:
MINIMUM SETBACKS SHOWN ABOVE ARE THE SAME FOR ALL BUILDING TYPES

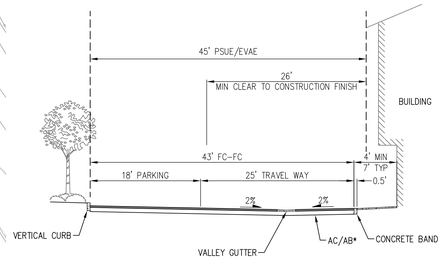




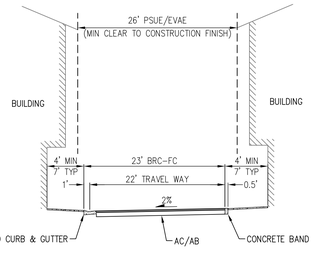
TYPICAL 22' DRIVE AISLE (CENTER DRAIN)
DRIVE AISLES 1, 3, 6 & 7
NOT TO SCALE



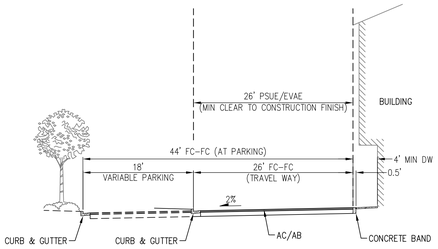
TYPICAL 22' DRIVE AISLE (CROSS SLOPE)
DRIVE AISLE 5
NOT TO SCALE



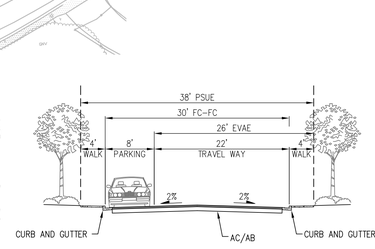
TYPICAL 22' DRIVE AISLE AT PARKING (CENTER DRAIN)
NOT TO SCALE



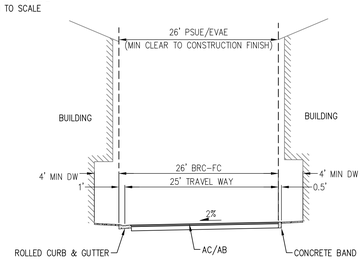
TYPICAL 23' DRIVE AISLE (CROSS SLOPE)
DRIVE AISLE 4
NOT TO SCALE



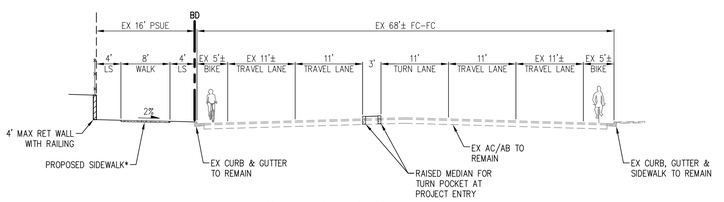
TYPICAL 26' DRIVE AISLE AT PARKING
DRIVE AISLE 2
NOT TO SCALE



TYPICAL NEIGHBORHOOD STREET
STREETS A & B
NOT TO SCALE



TYPICAL 26' DRIVE AISLE (CROSS SLOPE)
DRIVE AISLE 2
NOT TO SCALE



CALIFORNIA CIRCLE
NOT TO SCALE

*NOTE:
PROPOSED 8' SIDEWALK JOGS WITHIN 16' R/W DEDICATION AS NECESSARY TO AVOID EX ABOVE GROUND UTILITY VAULTS

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		RIGHT-OF-WAY LINE
		PROPERTY LINE
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
		EARTH TRAIL
		DECORATIVE PAVING

ABBREVIATIONS

SEE SHEET TM.01

0 20 40 80

TM.03

CALIFORNIA CIRCLE

SITE PLAN

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
Job # 2384-00 10.06.2014

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580 Second St., Suite 200
Oakland, CA 94607
510.272.2910
ktgy.com

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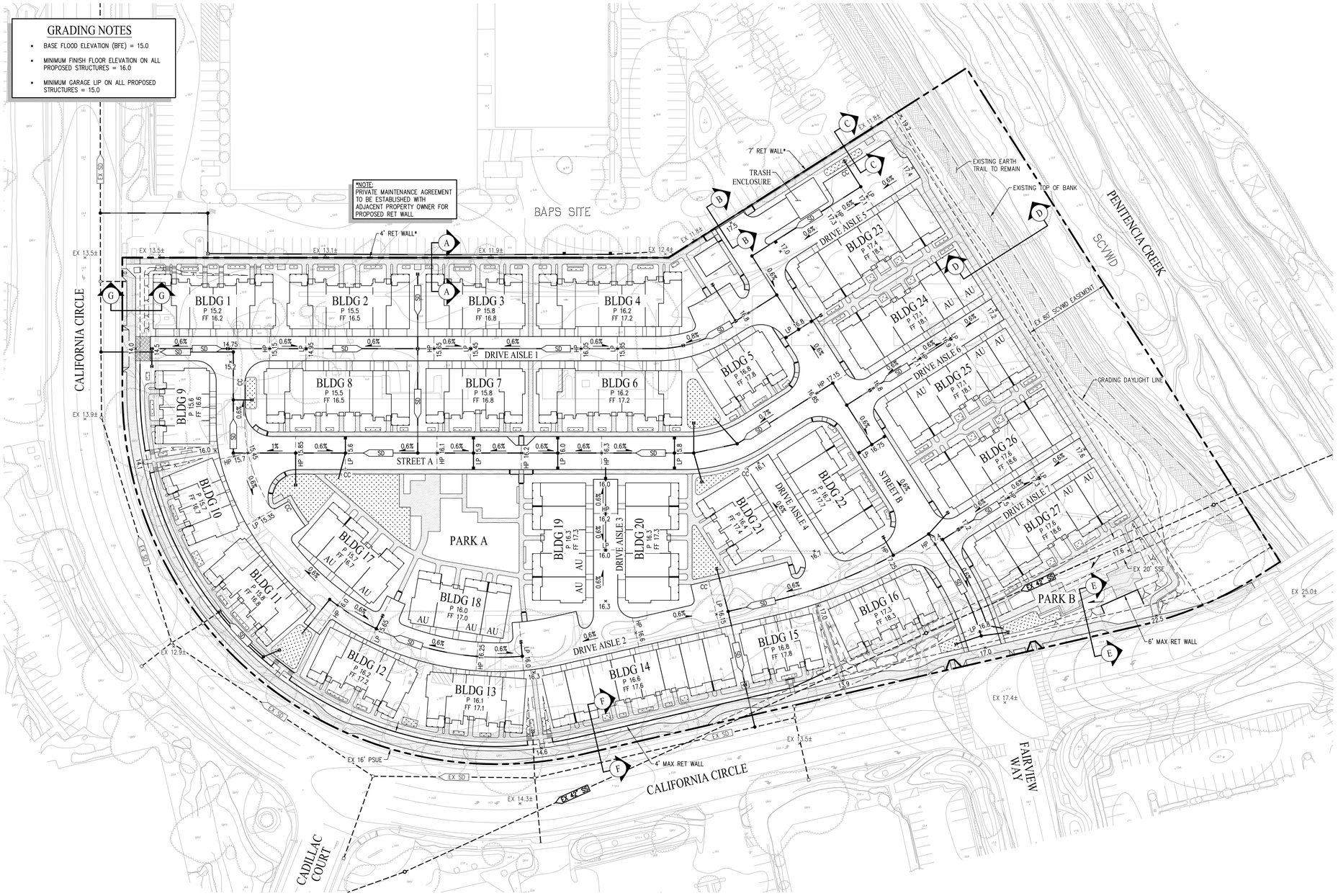
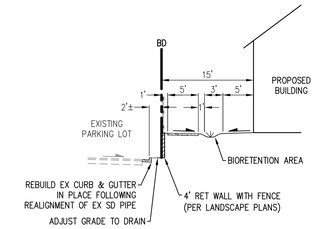
GRADING NOTES

- BASE FLOOD ELEVATION (BFE) = 15.0
- MINIMUM FINISH FLOOR ELEVATION ON ALL PROPOSED STRUCTURES = 16.0
- MINIMUM GARAGE LIP ON ALL PROPOSED STRUCTURES = 15.0





SECTION A-A
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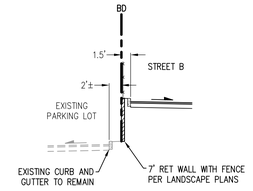

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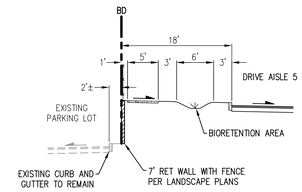

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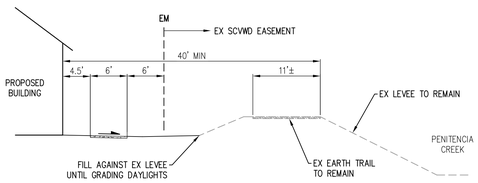

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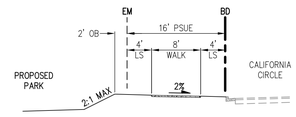

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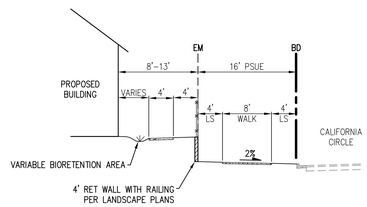

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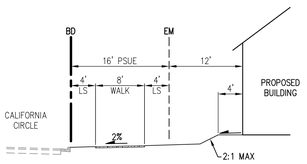

SECTION G-G
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
		RETAINING WALL
		SLOPE
×10.0	×10.0	SPOT ELEVATION
		FLOW DIRECTION
	AU	ACCESSIBLE UNIT
EX SD	SD	STORM DRAIN PIPE
	CC	CURB CUT
		BIORETENTION AREA

0 20 40 80

TM.04

CALIFORNIA CIRCLE

PRELIMINARY GRADING & DRAINAGE PLAN

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
Job # 2384-00 10.06.2014

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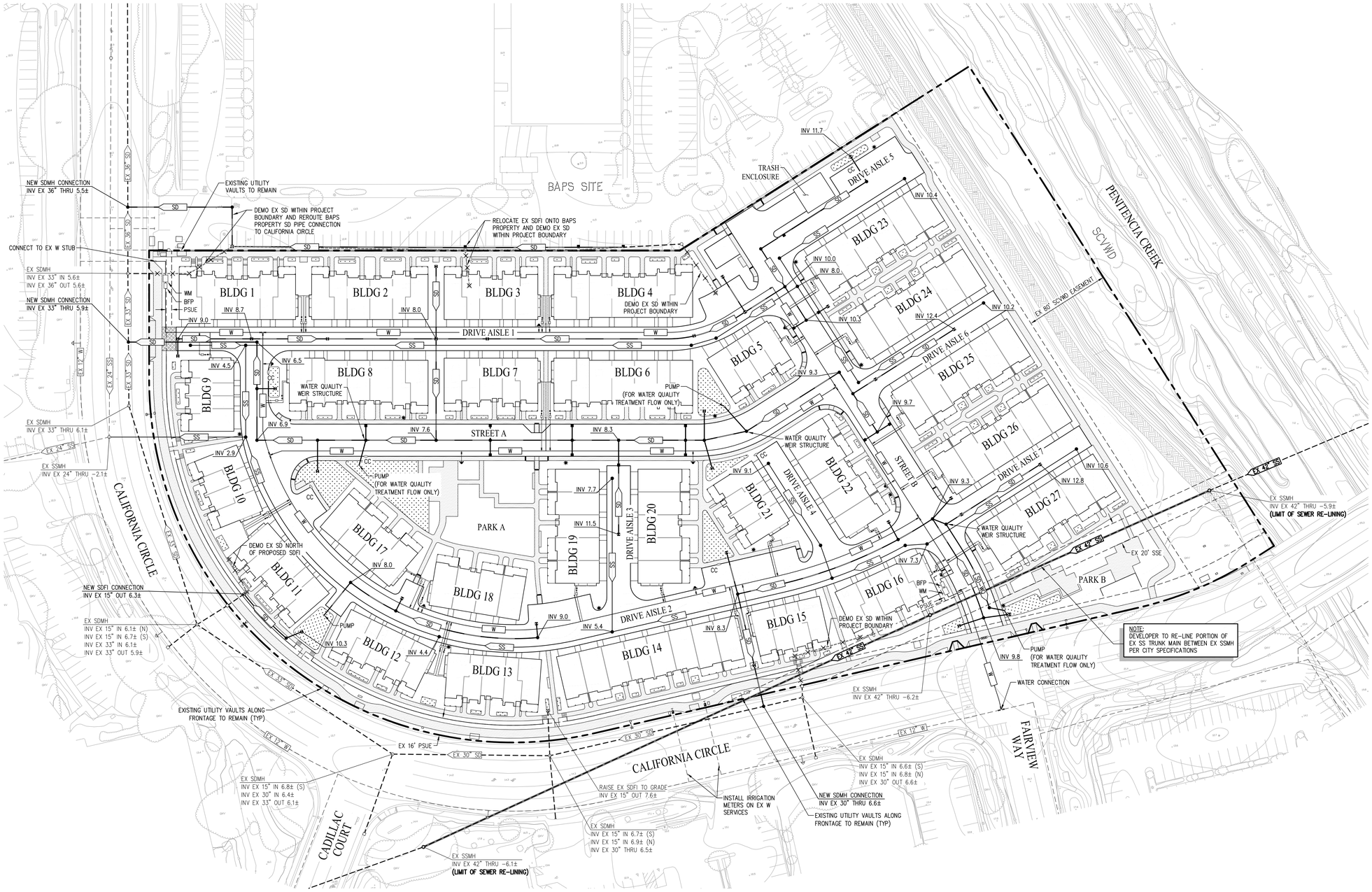
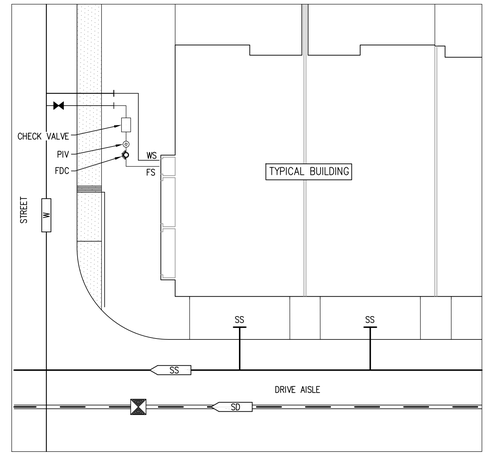
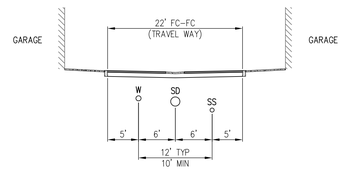




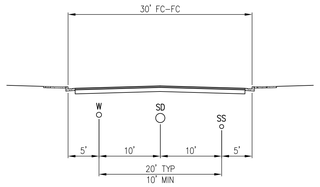
TYPICAL BUILDING UTILITY SERVICE LOCATION

NOT TO SCALE



TYPICAL DRIVE AISLE UTILITY SECTION

NOT TO SCALE



TYPICAL NEIGHBORHOOD STREET UTILITY SECTION

NOT TO SCALE

UTILITY NOTES

1. STORM DRAIN:
   - MINIMUM SLOPE: 0.004
   - MINIMUM PIPE SIZE: 12"
   - STORM DRAIN FACILITIES MAY BE RCP OR HDPE N-12 PIPE
2. SANITARY SEWER:
   - MINIMUM SLOPE: 0.005
   - MINIMUM PIPE SIZE: 8"
3. UTILITIES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO CITY OF MILPITAS STANDARDS.

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		EASEMENT LINE
		CURB, GUTTER & SIDEWALK
×10.0	×10.0	SPOT ELEVATION
EX SD	SD	STORM DRAIN PIPE
	SD-WQ	WATER QUALITY STORM DRAIN BYPASS PIPE
		MANHOLE
		CATCH BASIN/FIELD INLET
EX SS	SS	SANITARY SEWER PIPE
EX W	W	WATER PIPE
		FIRE HYDRANT
	CC	CURB CUT
		BIORETENTION AREA
		ELECTROLIER

0 20 40 80

TM.05

CALIFORNIA CIRCLE

PRELIMINARY UTILITY PLAN

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ONE SANSOME STREET
30TH FLOOR
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MILPITAS, CA
Job # 2384-00
10.06.2014

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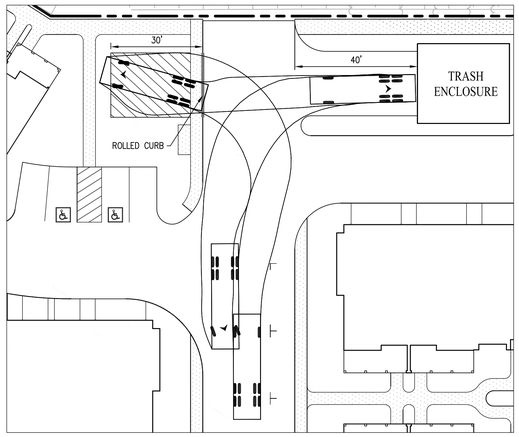
LEGEND

- FIRE APPARATUS ACCESS ROADS
- ROADS INACCESSIBLE TO FIRE APPARATUS
- FIRE HYDRANT
- EXISTING FIRE HYDRANT

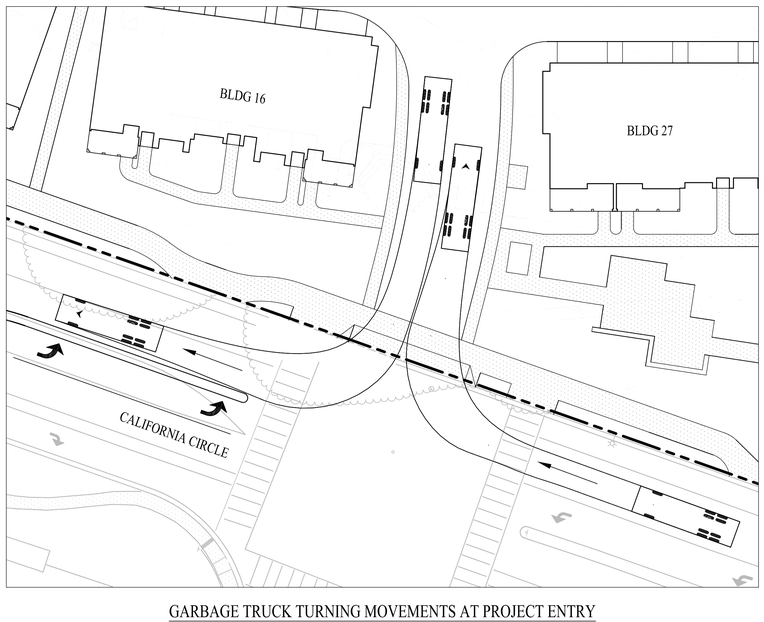
TURNING MOVEMENT NOTES

1. ALL TURNING MOVEMENTS SHOWN ON THIS PLAN REPRESENT FIRE TRUCK MOVEMENTS UNLESS OTHERWISE NOTED.
2. TURNING MOVEMENTS SHOWN REPRESENT THE MOST RESTRICTIVE MOVEMENTS.



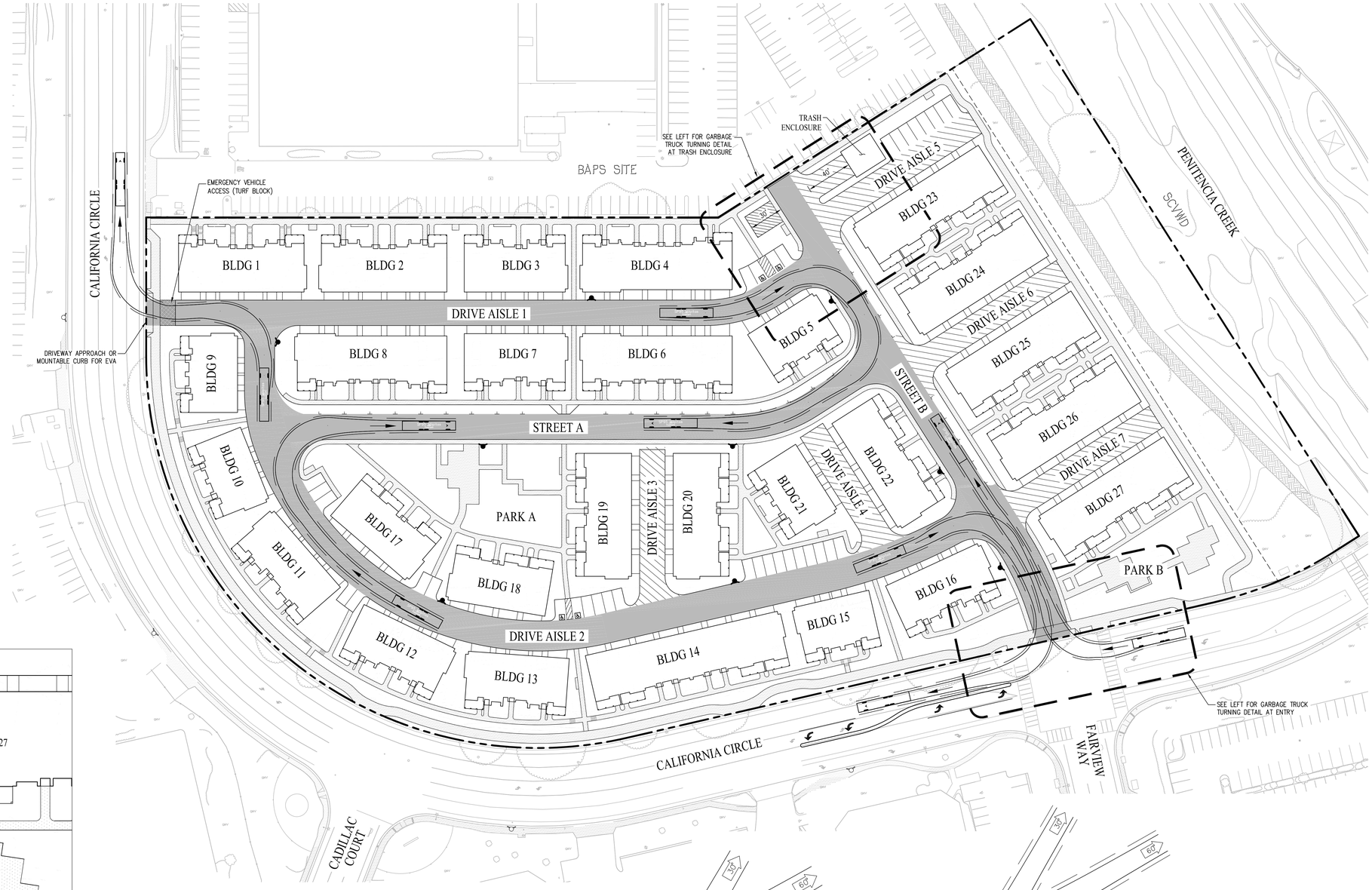
GARBAGE TRUCK TURNING MOVEMENTS AT TRASH ENCLOSURE

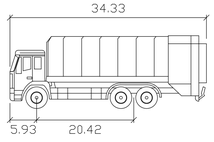
SCALE: 1"= 20'



GARBAGE TRUCK TURNING MOVEMENTS AT PROJECT ENTRY

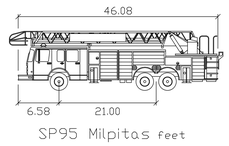
SCALE: 1"= 20'





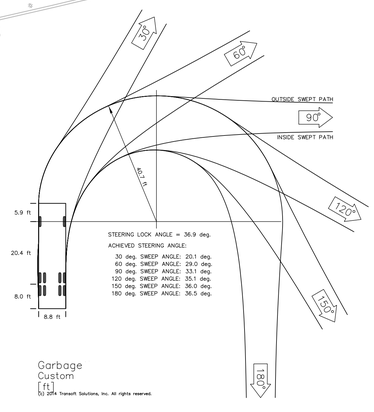
Garbage feet

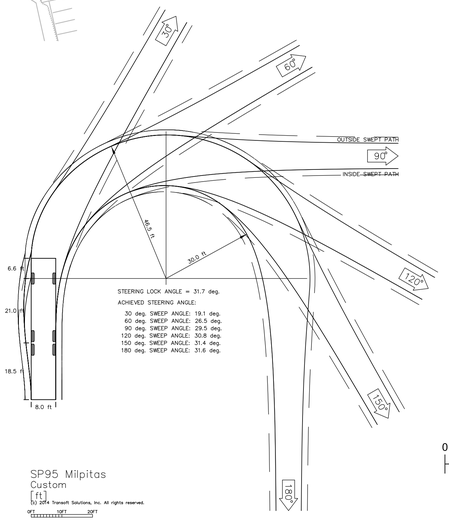
Width	: 8.83
Track	: 8.83
Lock to Lock Time	6.0
Steering Angle	: 36.9



SP95 Milpitas feet

Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 5.0
Steering Angle	: 31.7





0 20 40 80

TM.06

CALIFORNIA CIRCLE

FIRE & GARBAGE TRUCK ACCESS PLAN

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

Job # 2384-00 10.06.2014

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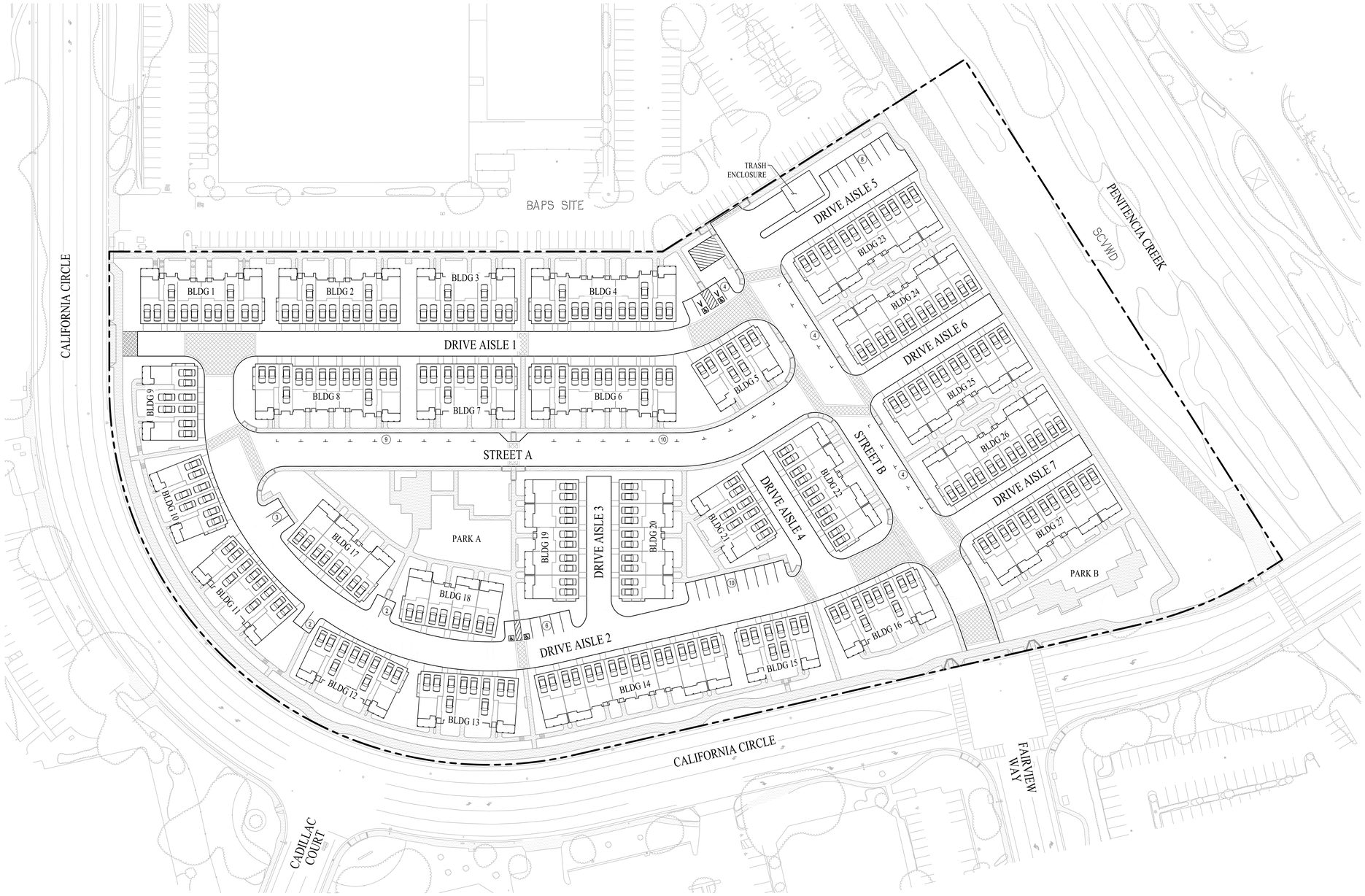

PARKING SUMMARY

DESCRIPTION		UNIT COUNT	PARKING REQUIRED		PARKING PROVIDED	
			REQUIRED PARKING RATIO	PARKING REQUIRED	PROVIDED PARKING RATIO	PARKING PROVIDED
GARAGE	STANDARD	112	2 SPACES/DU	224	2 SPACES/DU	224
	TANDEM	32	2 SPACES/DU	64	2 SPACES/DU	64
	SUBTOTAL	144	–	288	–	288
ON-STREET GUEST		–	20% OF REQUIRED	58	21% OF REQUIRED	62
TOTAL		–	–	346	–	350

NOTES:
1. ALL UNITS HAVE A MAXIMUM OF 3 BEDROOMS
2. TANDEM PARKING PROVIDED: 22%
3. GUEST PARKING INCLUDES 2 STANDARD ACCESSIBLE AND 2 VAN ACCESSIBLE SPACES
4. PROVIDED GUEST PARKING IS BASED ON PRELIMINARY DESIGN. ACTUAL PARKING PROVIDED MAY VARY WITH FINAL DESIGN BUT IN ANY CASE WILL MEET OR EXCEED THE CITY OF MILPITAS MINIMUM GUEST PARKING REQUIREMENTS.

LEGEND

- GARAGE PARKING STALL
- ACCESSIBLE PARKING STALL
- V VAN ACCESSIBLE PARKING STALL
- (62) UNCOVERED PARKING STALL

0 20 40 80

CALIFORNIA CIRCLE

PARKING PLAN

TM.07

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ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

Job # 2384-00

10.06.2014

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CITY NOTES AND CONDITIONS OF APPROVAL

CALIFORNIA CIRCLE

CONDITIONS OF APPROVAL

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30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

Job # 2384-00 10.06.2014

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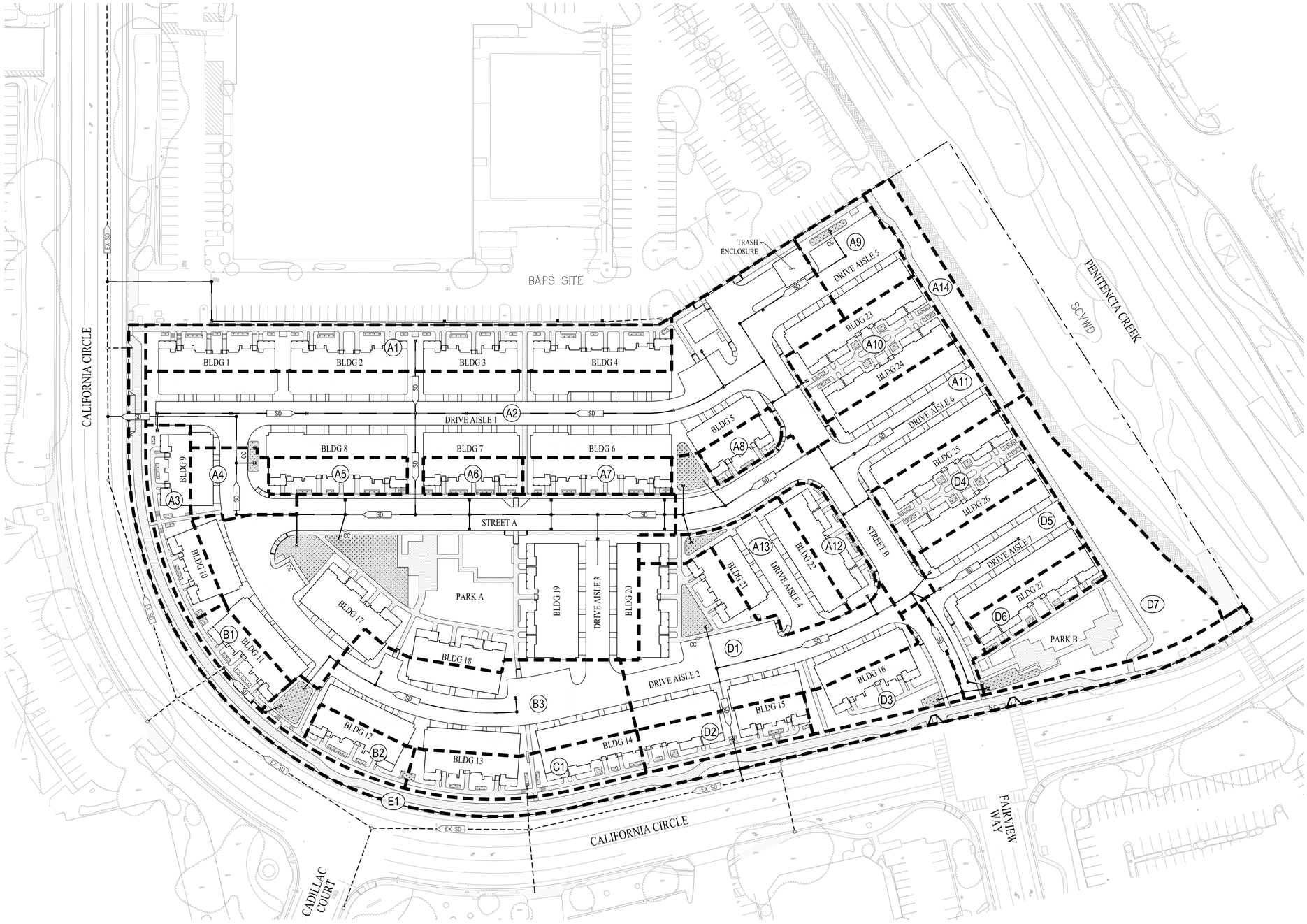

LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		CURB, GUTTER & SIDEWALK
EX SD	SD	STORM DRAIN PIPE
	CC	CURB CUT
		BIORETENTION AREA
		DRAINAGE AREA BOUNDARY
	A1	DRAINAGE AREA ID

PRELIMINARY STORMWATER TREATMENT SUMMARY

AREA ID	TREATMENT TYPE	IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)
A1	BIORETENTION	13,660	546	565
A2	BIORETENTION	95,010	3,800	3,875
A3	BIORETENTION	4,370	175	190
A4	BIORETENTION	4,160	166	280
A5	BIORETENTION	3,090	124	125
A6	BIORETENTION	2,300	92	135
A7	BIORETENTION	3,230	129	145
A8	BIORETENTION	1,850	74	85
A9	BIORETENTION	5,680	227	230
A10	BIORETENTION	7,510	300	320
A11	BIORETENTION	21,460	858	890
A12	BIORETENTION	3,020	121	135
A13	BIORETENTION	7,930	317	350
A14	SELF-RETAINING	1,465	733	5,680
B1	BIORETENTION	2,640	106	130
B2	BIORETENTION	2,660	106	130
B3	BIORETENTION	19,580	783	800
C1	BIORETENTION	5,580	223	250
D1	BIORETENTION	20,460	818	820
D2	BIORETENTION	4,400	176	180
D3	BIORETENTION	4,650	186	210
D4	BIORETENTION	7,510	300	320
D5	BIORETENTION	12,040	482	535
D6	BIORETENTION	3,430	137	160
D7	SELF-RETAINING	4,640	2,320	17,480
E1	SELF-RETAINING	10,710	1,750	11,240

NOTES:

1. ALL TREATMENT MEASURES AND TECHNICAL REQUIREMENTS FOR THIS PROJECT ARE BASED UPON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) C.3 STORMWATER HANDBOOK DATED APRIL 2012.
2. REQUIRED SURFACE AREA OF THE BIORETENTION TREATMENT AREA IS EQUAL TO 4% OF THE CONTIBUTING IMPERVIOUS SURFACE AREA. THIS CALCULATION IS BASED UPON THE UNIFORM INTENSITY METHOD ASSUMING RAINFALL INTENSITY OF 0.2 INCHES/HR AND A BIORETENTION SOIL MIX WITH A 5 INCHES/HR INFILTRATION RATE.
3. REQUIRED SURFACE AREA OF LANDSCAPE WITHIN SELF-RETAINING AREAS IS EQUAL TO 50% OF THE TRIBUTARY IMPERVIOUS SURFACE.
4. HYDROMODIFICATION IS NOT REQUIRED BECAUSE PROPOSED PROJECT IMPERVIOUS SURFACE IS LESS THAN EXISTING IMPERVIOUS SURFACE ON THE SITE.
5. ALL STORMWATER TREATMENT MEASURES AND SIZING SHOWN ON THIS EXHIBIT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN.
6. SEE CALIFORNIA CIRCLE STORMWATER CONTROL PLAN BY CARLSON, BARBEE & GIBSON DATED OCTOBER 6, 2014 FOR DETAILED SIZING CALCULATIONS.

0 20 40 80

CALIFORNIA CIRCLE

PRELIMINARY STORMWATER CONTROL PLAN

TM.09

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ONE SANSOME STREET
30TH FLOOR
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MILPITAS, CA
Job # 2384-00 10.06.2014

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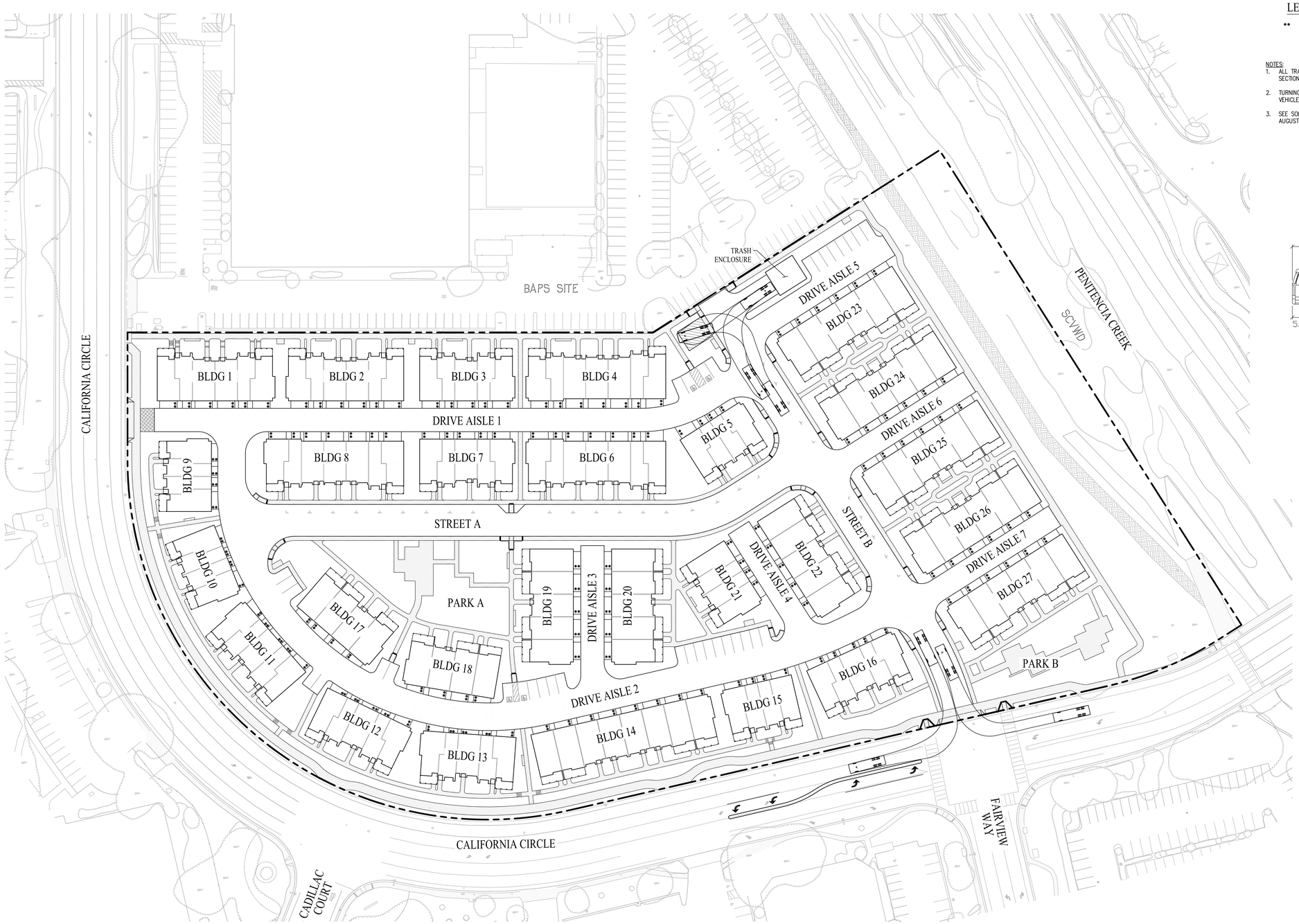
LEGEND

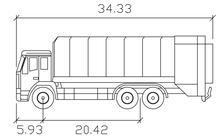
●● WASTE AND RECYCLING TRASH BAGS
WASTE BAG: BLACK
RECYCLING BAG: BLUE

NOTES:
1. ALL TRASH BAGS PLACED ON DRIVEWAY FOR PICK UP TO COMPLY WITH SECTION V-200-3.30 OF MILPITAS MUNICIPAL CODE.
2. TURNING MOVEMENTS SHOWN REPRESENT REPUBLIC SERVICES COLLECTION VEHICLE TO AND FROM TRASH ENCLOSURE.
3. SEE SOLID WASTE HANDLING PLAN BY HB CONSULTING GROUP DATED AUGUST 14, 2014 FOR DETAILED WASTE GENERATION CALCULATIONS.

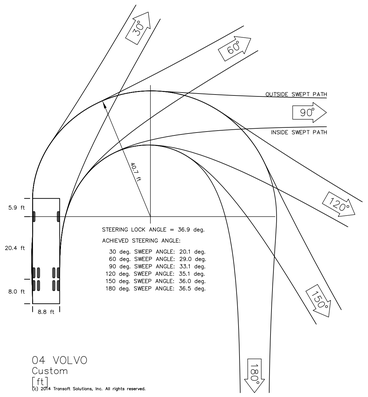
WASTE COLLECTION PROCESS

1. RESIDENTS TO PLACE TRASH BAGS OUTSIDE GARAGE DOORS ON INDIVIDUAL DRIVEWAYS ON DESIGNATED TRASH DAY (ONE DAY PER WEEK).
2. INDEPENDENT CONTRACTOR TO TRANSPORT TRASH BAGS FROM INDIVIDUAL DRIVEWAYS TO THE CENTRAL TRASH ENCLOSURE USING STANDARD UTILITY VEHICLE OR PICK-UP TRUCK TOWING TRAILER OR CARTS. INDEPENDENT CONTRACTOR SERVICES TO BE COORDINATED BY PROJECT HOMEOWNERS ASSOCIATION.
3. REPUBLIC SERVICES TO PICK UP TRASH FROM CENTRAL ENCLOSURE ONCE PER WEEK.





Garbage feet
Width : 8.83
Track : 8.83
Lock to Lock Time 6.0
Steering Angle : 36.9



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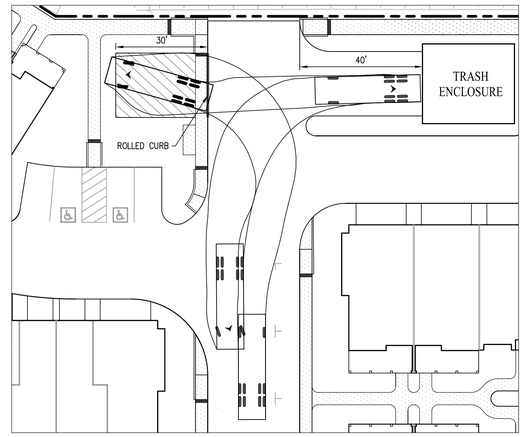
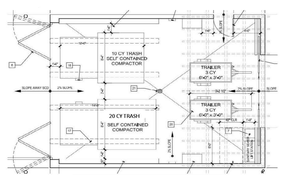


GARBAGE TRUCK TURNING MOVEMENTS AT TRASH ENCLOSURE
SCALE: 1"= 20'



TRASH ENCLOSURE DETAIL
NOT TO SCALE

0 20 40 80

TM.10

CALIFORNIA CIRCLE

SOLID WASTE MANAGEMENT PLAN

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA
Job # 2384-00 10.06.2014

KTGY Group, Inc.
Architecture+Planning
580 Second St., Suite 200
Oakland, CA 94607
510.272.2910
ktgy.com

VAN DORN ABED
LANDSCAPE ARCHITECTS, INC.
81 14TH ST., SAN FRANCISCO, CA
ZIP 94103 PH (415) 864-1921 FAX(415) 864-4796

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SAN RAMON, CALIFORNIA 94583 www.cbandg.com

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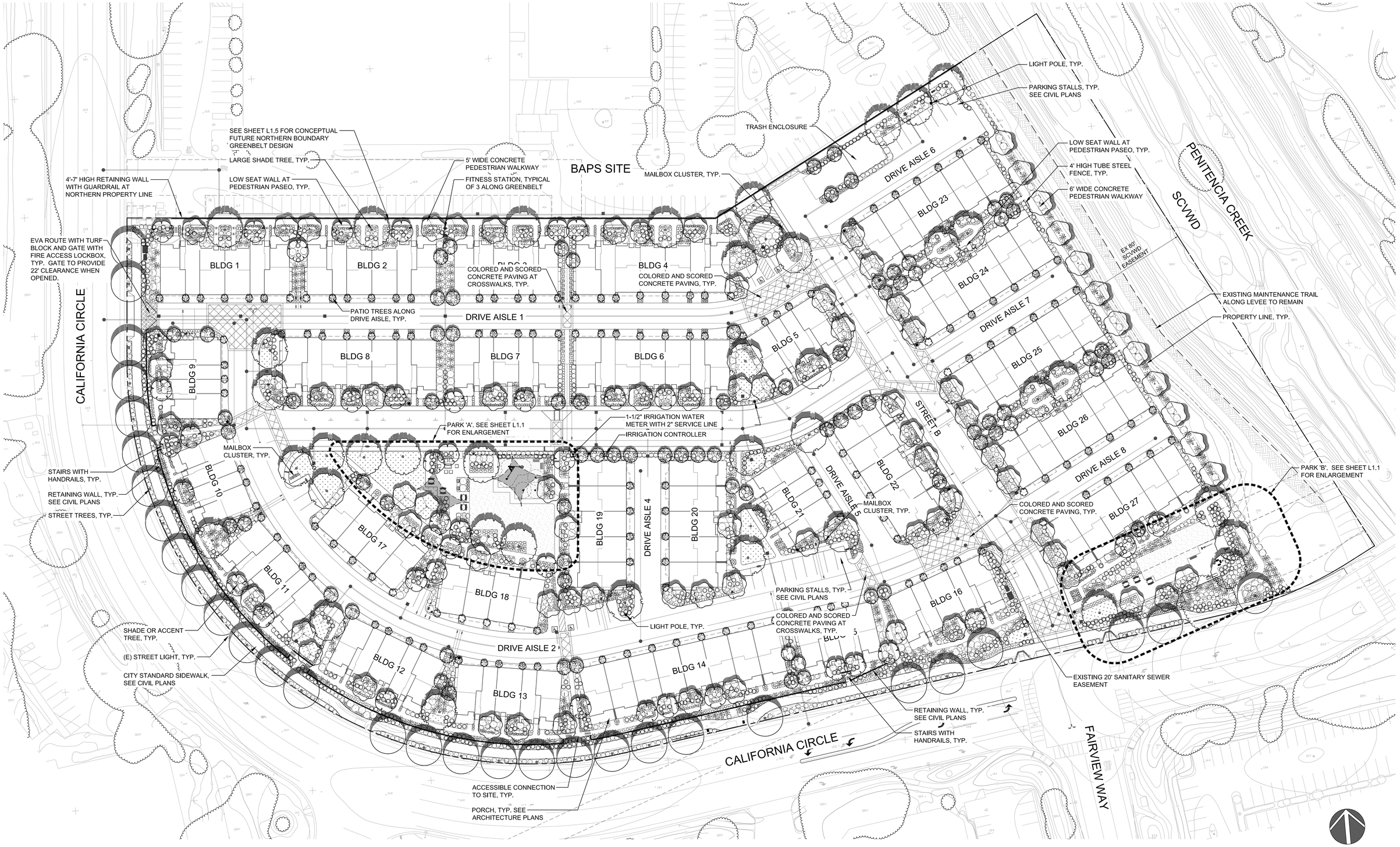

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

CONCEPTUAL LANDSCAPE PLAN

MILPITAS, CA

KTGY # 2014-0262 / VALA # V1418

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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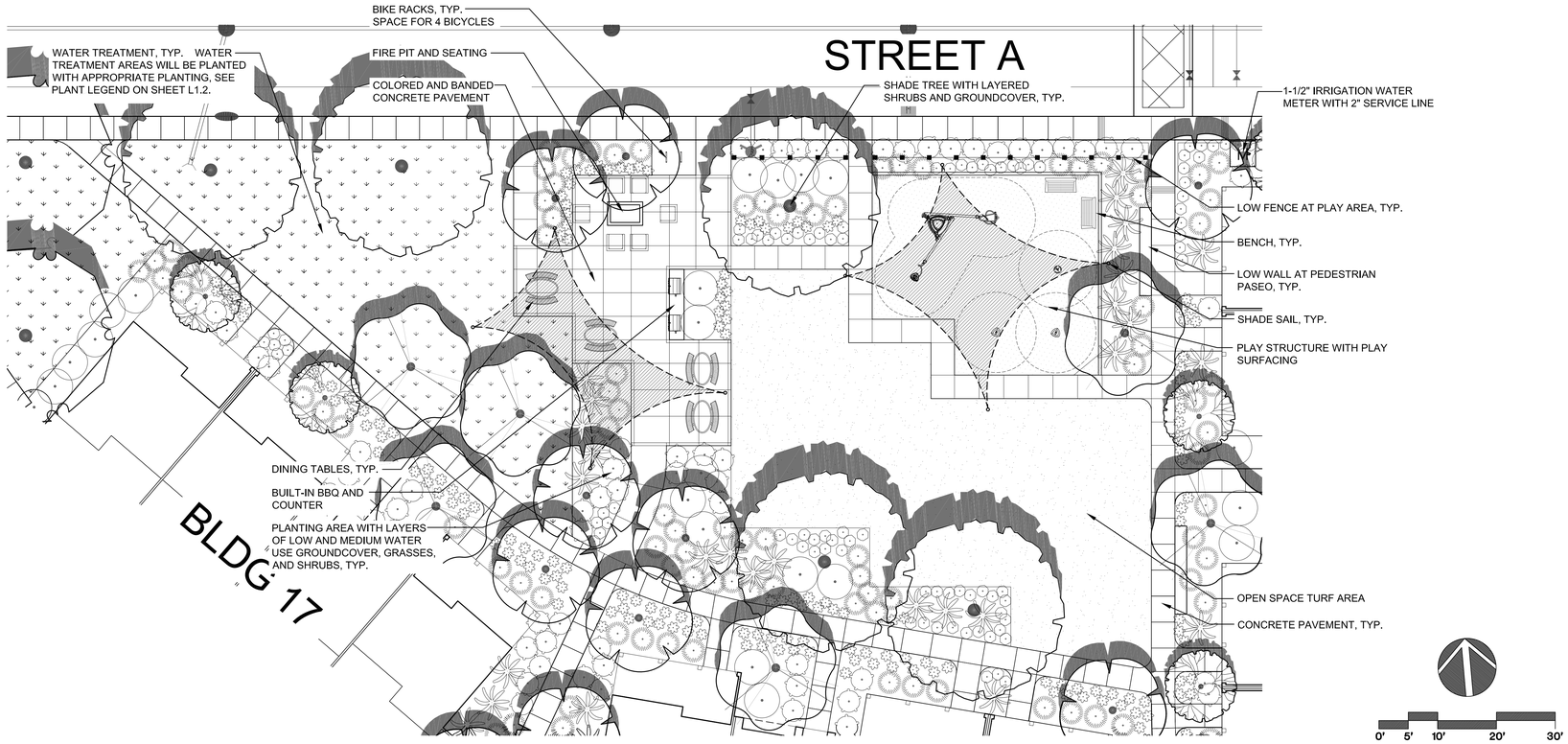
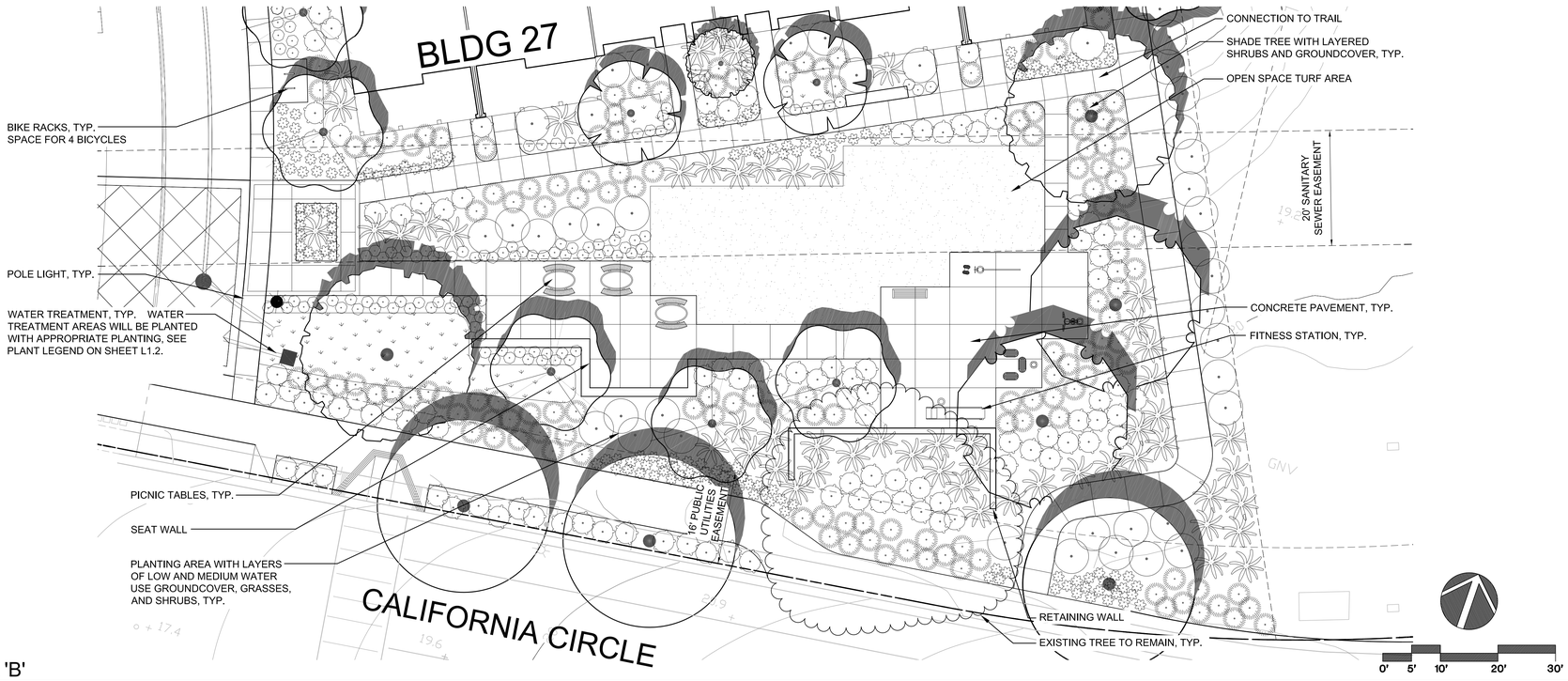


PARK 'A'



PARK 'B'

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

ENLARGEMENTS

MILPITAS, CA

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TREE PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE	CONT.
LARGE SHADE TREE				
	ACACIA MELANOXYLON	BLACKWOOD ACACIA	VL	24" BOX
	ACER RUBRUM	RED MAPLE	M	24" BOX
	FRAXINUS OXYCARPA	RAYWOOD ASH	M	24" BOX
	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	M	24" BOX
	QUERCUS AGRIFOLIA	LIVE OAK	VL	24" BOX
	QUERCUS ILEX	HOLLY OAK	L	24" BOX
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	L	24" BOX
	ULMUS PARVIFOLIA	ELM	M	24" BOX
ACCENT TREE				
	ACER PALMATUM 'SANGO KAKU'	CORAL BARK MAPLE	M	24" BOX
	AESCULUS X CARNEA	RED HORSECHESTNUT	M	24" BOX
	CHITALPA TASHKENTENSIS	CHITALPA	L	24" BOX
	HYMENOSPORUM FLAVUM	SWEETSHADE	M	24" BOX
	LAGERSTROEMIA 'MUSKOGEE'	CRAPE MYRTLE	L	24" BOX
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	M	24" BOX
	MAGNOLIA VIRGINIANA	SWEET BAY	M	24" BOX
	PRUNUS YEDOENSIS `AKEBONO`	FLOWERING CHERRY	M	24" BOX
	PYRUS CALLERYANA `CHANTICLEER`	CHANTICLEER PEAR	M	24" BOX
	ROBINIA 'PURPLE ROBE'	LOCUST	L	24" BOX
SMALL ACCENT				
	ARBUTUS 'MARINA'	STRAWBERRY TREE	M	15 GAL
	CERCIS OCCIDENTALIS	WESTERN REDBUD	VL	15 GAL
	GINKGO BILOBA 'PRICETON SENTRY'	MAIDENHAIR TREE	M	15 GAL
	MAGNOLIA GRANDIFLORA 'EDITH BOGUE'	EDITH BOGUE MAGNOLIA	M	15 GAL
	MAGNOLIA X SOULANGEANA 'LILLIPUTIAN'	SAUCER MAGNOLIA	M	15 GAL
SMALL TREES AT GARAGES				
	CAMELLIA JAPONICA	CAMELLIA STANDARD	M	15 GAL
	PODOCARPUS MACROPHYLLUS 'MAKI'	SHRUBBY YEW PINE	M	15 GAL
	RHAPHIOLEPIS 'MAJESTIC BEAUTY'	RHAPIOLEPIS STANDARD	L	15 GAL
	SOLANUM RAN. `ROYAL ROBE`	PARAGUAY NIGHTSHADE STANDARD	M	15 GAL
	TIBUCHINA URVILLEANA	PRINCESS FLOWER STANDARD	M	15 GAL

SHRUB PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE	CONT
LARGE				
	ABELIA X GRANDIFLORA	GLOSSY ABELIA	L	5 GAL
	ABUTILON HYBRIDUM `VESUVIUS RED`	RED FLOWERING MAPLE	M	5 GAL
	CHOISYA TERNATA	MEXICAN ORANGE	M	5 GAL
	HETEROMELES ARBUTIFOLIA	TOYON	VL	5 GAL
	LAVATERA ASSURGENTIFLORA	MALLOW	L	5 GAL
	LIGUSTRUM JAPONICA 'TEXANUM'	TEXAS PRIVET	M	5 GAL
	NANDINA DOMESTICA	HEAVENLY BAMBOO	L	5 GAL
	PHOTINIA X FRASERI	PHOTINIA	M	5 GAL
	PITTOSPORUM TOBIRA 'VARIAGATA'	VARIAGATED TOBIRA	L	5 GAL
	PRUNUS CAROLINIANA 'BRIGHT 'N TIGHT'	CAROLINA LAUREL	L	5 GAL
	RHAMNUS CALIFORNICA	CALIFORNIA COFFEE BERRY	L	5 GAL

PLANTING AND WATER USE DESIGN INTENT STATEMENT

The planting design utilizes primarily drought tolerant, low and medium water use plant materials located in separate hydrozones. Shade tolerant, medium water use plants will be utilized on the North facing sides of the project. Low and medium water use plants will be used in all other perimeter plant areas and in the paseos. The plants will be selected utilizing the State of California's Model Water Efficient Landscape Ordinance plant list and ET Calc water management computer software. A minimum of 2" of bark mulch will be placed in all shrub and groundcover areas.

IRRIGATION SYSTEM WATER USE DESIGN INTENT STATEMENT

The irrigation system will be a fully automatic, low gallon system with matched precipitation rate heads or emitters on each circuit. This system will design with head to head coverage and minimum overspray. The low, medium and high water use hydrozones will be on separate valve circuits. All new trees will have separate drip or bubbler circuits. The remote control valves will have integral pressure regulators to prevent fluctuations and ensure constant application rates to minimize over or under watering. The electronic irrigation controller will be weather based and make automatic adjustments based on current climate along with multiple programs and application cycles/start times. A rain switch will be installed to prevent irrigation during rainy periods. A flow sensor and master valve will be connected to the controller to allow automatic shut off of any valve circuit or main line in the event of a pipe brake to prevent water waste.

WATER USE LEGEND

VL = VERY LOW WATER USE
L = LOW WATER USE
M = MEDIUM WATER USE
H = HIGH WATER USE

SHRUB PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE	CONT
MEDIUM				
	ANIGOZANTHOS HYBRIDS `BIG RED`	BIG RED KANGAROO PAW	L	5 GAL
	ANISODONTEA X HYPOMANDARUM	CAPE MALLOW	M	5 GAL
	BACCHARIS PILULARIS	DWARF COYOTE BRUSH	L	5 GAL
	BUXUS MICROPHYLLA JAPONICA	JAPANESE BOXWOOD	M	5 GAL
	CHONDROPETALUM TECTORUM	CAPE RUSH	L	5 GAL
	COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	M	5 GAL
	COTONEASTER MICROPHYLLUS	ROCKSPRAY COTONEASTER	L	5 GAL
	DIETES BICOLOR	FORTNIGHT LILY	L	5 GAL
	ERYSIMUM HYBRIDS `BOWLES MAUVE`	LAVENDER WALLFLOWER	L	5 GAL
	ESCALLONIA 'COMPAKTA'	ESCALLONIA	M	5 GAL
	FESTUCA MAIREI	ATLAS FESCUE	L	5 GAL
	FUCHSIA HYBRIDA `GARTENMEISTER BONSTEDT`	FUCHSIA	M	5 GAL
	GREVILLEA 'NOELII'	GREVILLEA	L	5 GAL
	HEBE 'VERONICA LAKE'	HEBE	M	5 GAL
	KNIPHOFIA UVARIA `SPRINGTIME`	RED HOT POKER	M	1 GAL
	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVENDER	L	5 GAL
	LIMONIUM PEREZII	STATICE	L	1 GAL
	MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	L	5 GAL
	NEPHROLEPIS CORDIFOLIA	SOUTHERN SWORD FERN	M	5 GAL
	OSMANTHUS HETEROPHYLLUS `GOSHIKI`	GOSHIKI HOLLY OLIVE	M	5 GAL
	PHORMIUM HYBRIDS	FLAX	L	1 GAL
	PITTOSPORUM TOBIRA 'WHEELER'S DWARF'	DWARF TOBIRA	M	5 GAL
	RHAPIOLEPIS INDICA 'SPRINGTIME'	INDIAN HAWTHORN	L	5 GAL
	RIBES CALIFORNICUM	HILLSIDE GOOSEBERRY	L	5 GAL
	ROSA CALIFORNICA	CALIFORNIA WILD ROSE	L	5 GAL
	ROSA 'FLOWER CARPET PINK'	GROUNDCOVER ROSE	M	2 GAL
	ROSA FLORIBUNDAS 'ICEBERG'	ICEBERG ROSE	M	2 GAL
	ROSMARINUS OFFICINALIS `TUSCAN BLUE`	ROSEMARY	L	5 GAL
	SYMPHORICARPOS ALBUS	COMMON WHITE SNOWBERRY	L	5 GAL
	VIBURNUM DAVIDII	DAVID VIBURNUM	M	5 GAL
	WESTRINGIA FRUTICOSA `MORNING LIGHT`	COASTAL ROSEMARY	L	5 GAL
SMALL				
	AGAPANTHUS SPECIES	LILY OF THE NILE	M	1 GAL
	ARCTOSTAPHYLOS 'EMERALD CARPET'	EMERALD CARPET MANZANITA	L	1 GAL
	ARCTOSTAPHYLOS HOOKERI 'MONTEREY CARPET'	HOOKER`S MANZANITA	L	1 GAL
	CEANOTHUS GRISEUS HORIZONTALIS	CARMEL CREEPER	VL	1 GAL
	ERIGERON KARVINSKIANUS	FLEABANE	L	1 GAL
	FESTUCA OVINA GLAUCA	BLUE FESCUE	L	1 GAL
	HEMEROCALLIS HYBRID	DAYLILY	M	1 GAL
	HEUCHERA SANGUINEA `SANTA ANA CARDINAL`	CORAL BELLS	M	1 GAL
	LANTANA 'DWARF YELLOW	DWARF LANTANA	L	1 GAL
	LIRIOPE GIGANTEA	GIANT LIRIOPE	M	1 GAL
	LIRIOPE MUSCARI	LILYTURF	M	1 GAL
	NEPETA X FAASSENII	CATMINT	L	1 GAL
	OPHIOPOGON JAPONICUS	MONDO GRASS	M	1 GAL
	PHORMIUM HYBRIDS 'TONY TIGER'	FLAX	L	1 GAL
	SANTOLINA PINNATA `EDWARD BOWLES`	LAVENDER COTTON	L	1 GAL
	SISYRINCHIUM BELLUM	BLUE-EYED GRASS	VL	1 GAL
	SUTERA CORDATA `SNOWFLAKE`	WHITE BACOPA	M	1 GAL
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	M	1 GAL
	VERBENA TENUISECTA `EDITH`	EDITH MOSS VERBENA	L	1 GAL
VINES				
	CLEMATIS ARMANDII	EVERGREEN CLEMATIS	M	15 GAL
	CLYTOSTOMA CALLISTEGIOIDES	VIOLET TRUMPET VINE	M	15 GAL
	HARDENBERGIA VIOLACEA 'HAPPY WANDERER'	LILAC VINE	M	15 GAL
	JASMINUM POLYANTHUM	JASMINE	M	15 GAL

TURF

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE	CONT
	FESTUCA ELATOR 'MEDALLION'	DWARF TALL FESCUE	H	SOD

WATER TREATMENT

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE	CONT
	ACHILLEA MILLEFOLIUM	COMMON YARROW	L	1 GAL
	CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'	REED GRASS	L	5 GAL
	CAREX PRAEGACILIS	FIELD SEDGE	M	1 GAL
	CHONDROPETALUM TECTORUM	CAPE RUSH	L	5 GAL
	DESCHAMPSIA CESPITOSA	TUFTED HAIRGRASS	L	1 GAL
	FESTUCA IDAHOENSIS	IDAHOE FESCUE	L	1 GAL
	FESTUCA MAIREI	ATLAS FESCUE	L	5 GAL
	FESTUCA 'NO MOW'	NO MOW FESCUE	M	SOD
	LEYMUS TRITICOIDES	CREEPING WILDRYE	VL	1 GAL
	MUHLENBERGIA RIGENS	DEER GRASS	L	5 GAL
	SISYRINCHIUM BELLUM	WESTERN BLUE-EYED GRASS	VL	1 GAL

CALIFORNIA CIRCLE

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

CONCEPTUAL PLANT PALETTE AND IMAGERY

MILPITAS, CA

KTGY # 2014-0262 / VALA # V1418

08.18.2014 1st SUBMITTAL
10.07.2014 2nd SUBMITTAL

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SEATING

MODEL: Sophie

www.landscapeforms.com

FIRE PIT AND LOUNGE SEATING
NTS

FIRE PIT

MODEL: Halo 48" Square

www.solusdecor.com

FIRE PIT AND LOUNGE SEATING
NTS

CLUSTER MAILBOX UNIT

MATERIAL: Aluminum

MODEL: Regency Decorative Series, 2-Type 2 (12 door) and 4- Type 3 (16 door)

COLORS: Bronze

www.mailboxes.com

CLUSTER MAILBOX UNITS
NTS

SHADE SAILS

COLORS: TBD

www.pacificshade sails.com

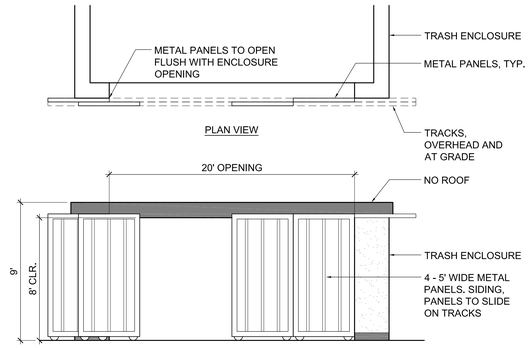
SHADE SAILS
NTS

DINING TABLE

MODEL: Charlie

www.landscapeforms.com

DINING TABLES
NTS



TRASH ENCLOSURE
1/4"=1'-0"

COLORED AND SCORED CONCRETE PAVEMENT
NTS

LIGHT POLE

MODEL: Large Pima LEDGINE (CXF5) LED Pendants on Pole

www.hadco.com

LIGHT POLE
NTS

PLAY STRUCTURE

MODEL: KOMPAN NEREIDE, SPICA AND JUNIOR SPICA

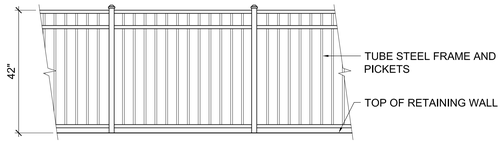
www.kompan.com

SURFACING

MODEL: TIGER TURF MAJESTIC SYNTHETIC TURF

www.syntheticgrasswarehouse.com/

PLAY STRUCTURE AND SURFACING
NTS



GUARDRAIL
NTS

BIKE RACK

MODEL: Ride

www.landscapeforms.com

BIKE RACK
NTS

CALIFORNIA CIRCLE

i Star
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30TH FLOOR
SAN FRANCISCO, CA 94104

CONCEPTUAL SITE AMENITIES

MILPITAS, CA

KTGY # 2014-0262 / VALA # V1418

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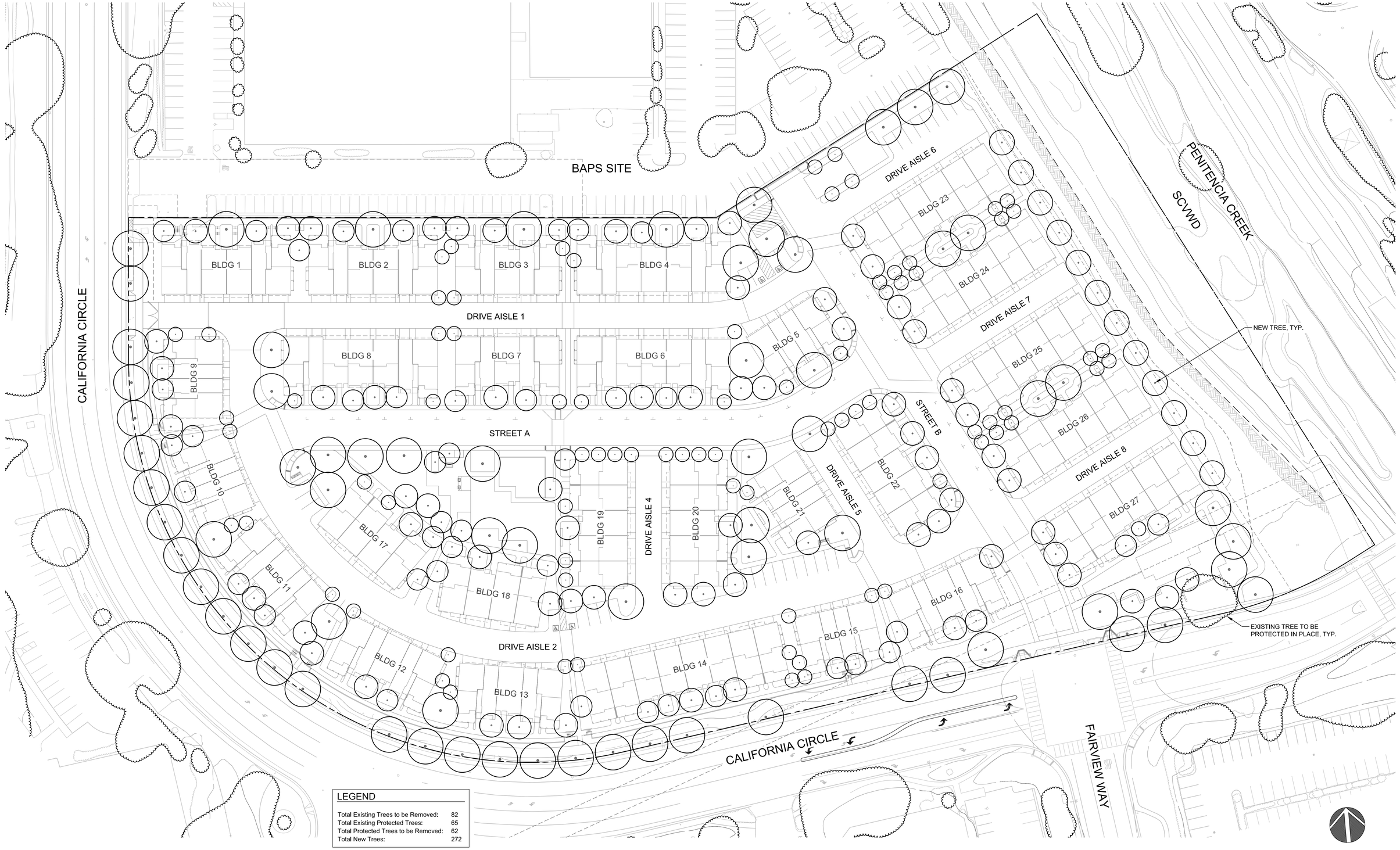

LEGEND	
Total Existing Trees to be Removed:	82
Total Existing Protected Trees:	65
Total Protected Trees to be Removed:	62
Total New Trees:	272

NOTES:

1. UNLESS OTHERWISE NOTED, ALL EXISTING ON-SITE TREE SHALL BE REMOVED.
2. REFER TO ARBORIST REPORT FOR TREE ASSESSMENT.

0' 15' 30' 60' 90'

CALIFORNIA CIRCLE

TREE REPLACEMENT PLAN

L1.4

i Star
ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

MILPITAS, CA

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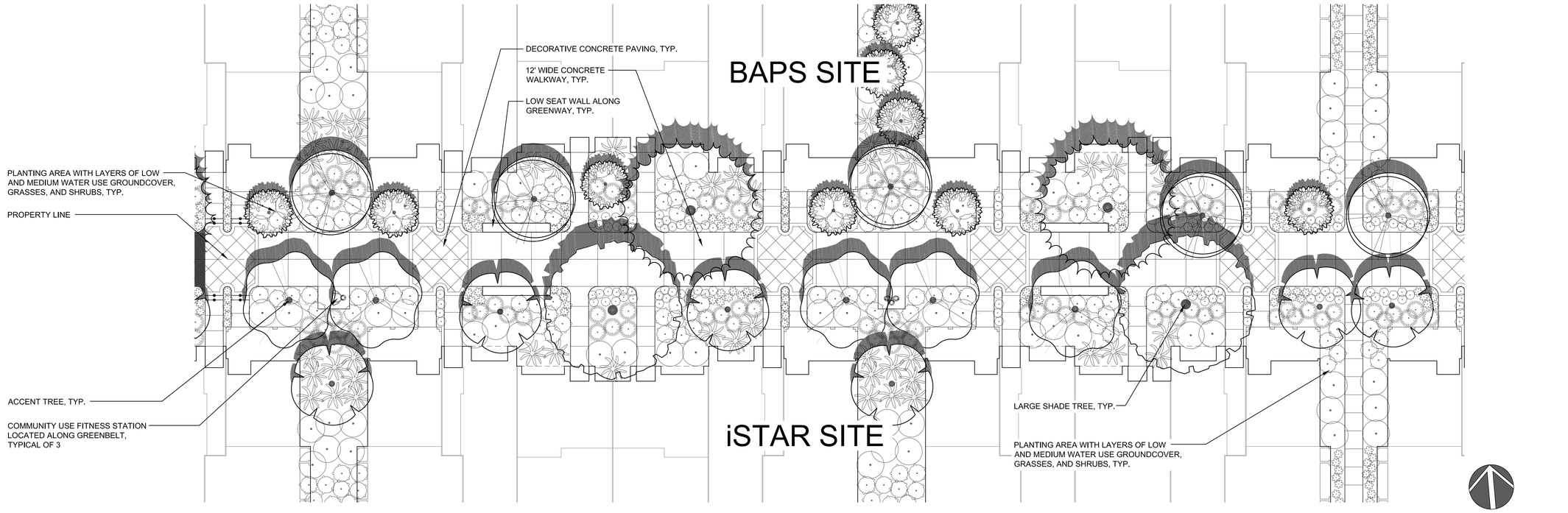
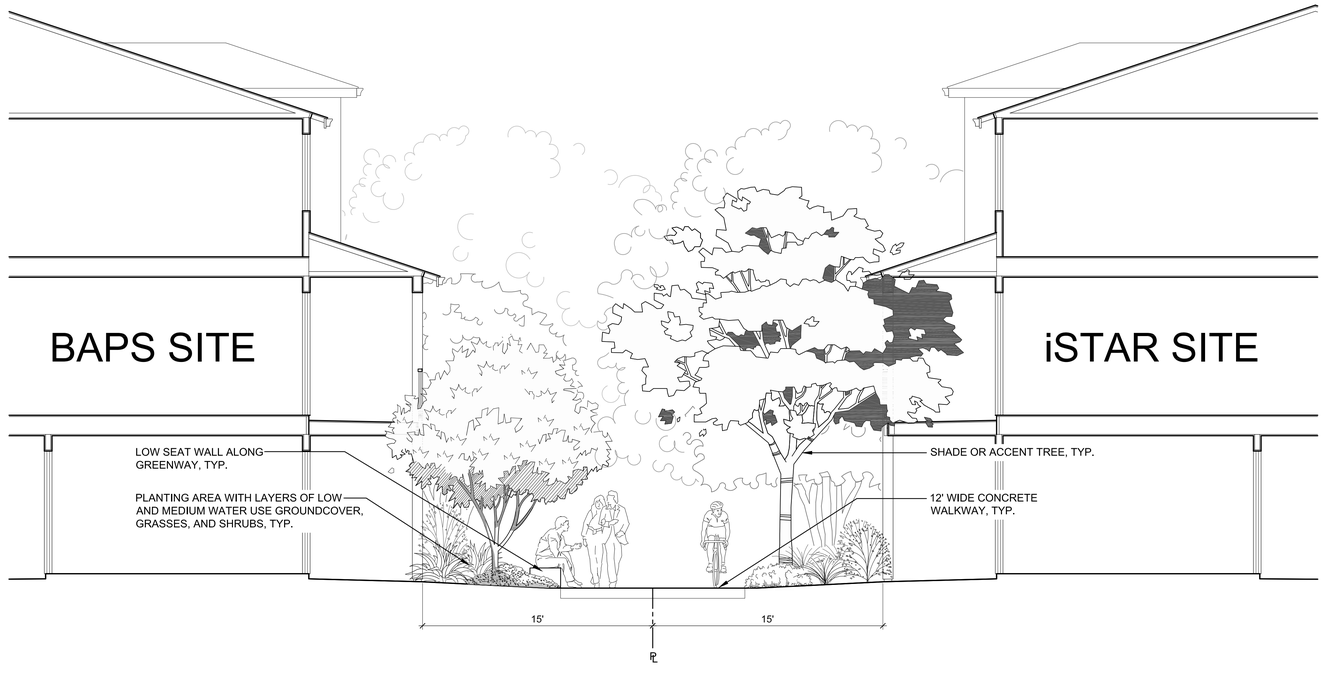


ENLARGEMENT

SCALE: 1"=10'-0"



SECTION

SCALE: 1/4"=1'-0"

CALIFORNIA CIRCLE

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ONE SANSOME STREET
30TH FLOOR
SAN FRANCISCO, CA 94104

CONCEPTUAL FUTURE NORTHERN BOUNDARY GREENBELT

MILPITAS, CA

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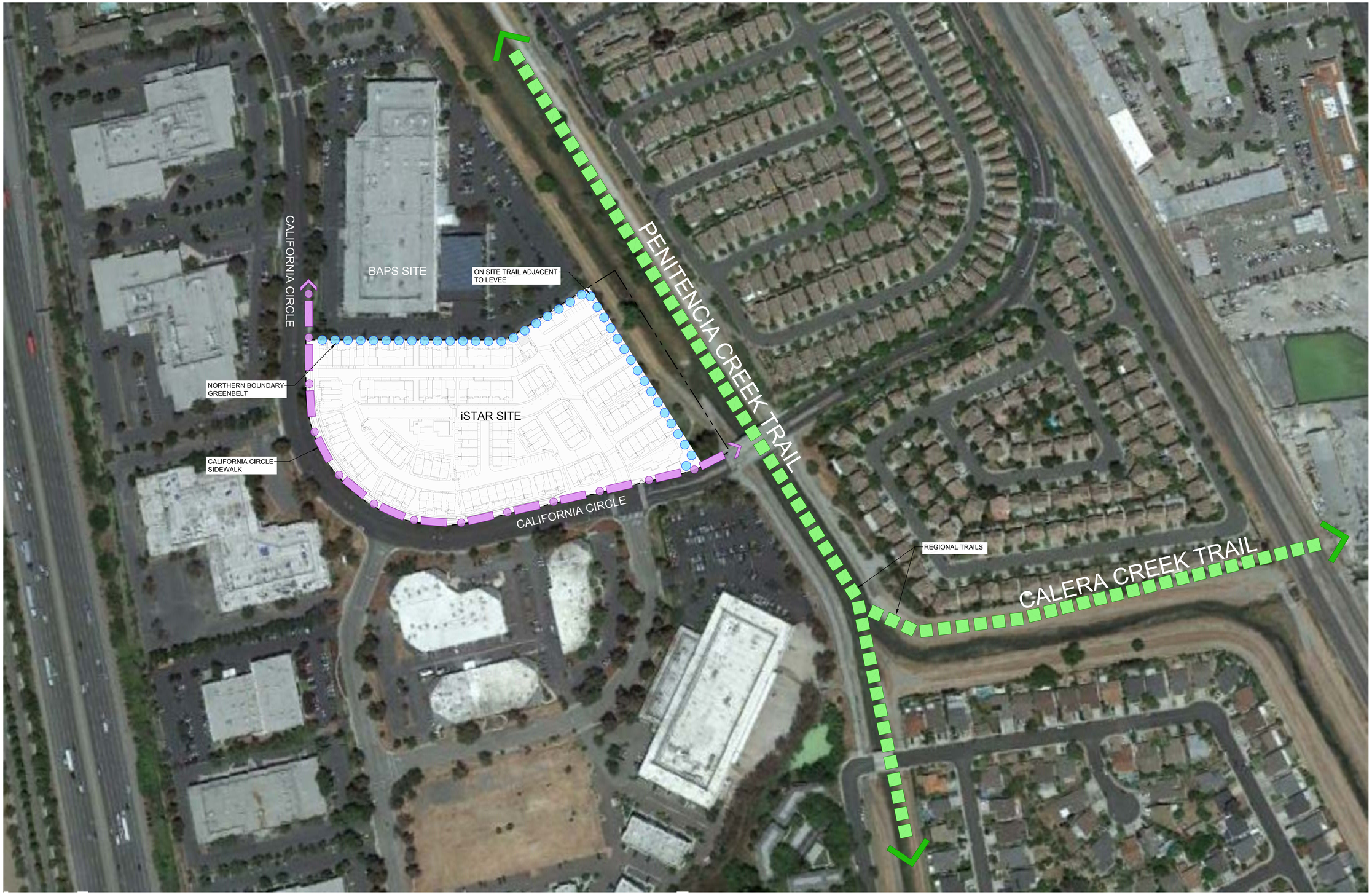
L1.5



CALIFORNIA CIRCLE

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REGIONAL TRAIL MAP

MILPITAS, CA

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2F

Attachment D

Zoricak, Marianne
Sent: Thursday, October 16, 2014 03:17 PM
To: lisa@nealmartinassoc.com
Subject: Objection to iStar California Circle

Dear Ms. Sanders,

My husband and I are writing to object to the proposed housing site at 1210 California Circle. We attended the meeting at the site when it was held and voiced similar objections along with the rest of the residents that were there. This is a commercial area. I was an employee at that site when it was eCycle, approx. 10 years ago, before it became Solyndra. I believe the building owner is pricing out any prospective tenant so more money can be made on housing. This is wrong. There are several vacant buildings in the area marked ?for sale? or ?for lease? and it is our opinion that the ultimate goal here is to bulldoze everything and put up housing. This is not what this neighborhood needs. Do you live in this area? If not, I would suggest you park at the California Circle exit at the Chevron station, between 4 and 7 pm on any given day. The traffic is horrendous. They cut down Milmont Dr. do not observe crosswalks, speed limits or pedestrians. This is not a thoroughfare. People live here!! My husband and I were nearly hit several times while in the crosswalk. At the freeway exit, illegal U-turns are made continuously and gridlock is common. You think MORE housing will make this better?

The proposed site is also next to a creek that is home to waterfowl and other wildlife. No amount of ?mitigation? is going to preserve this habitat. More housing will mean more trash, dog feces, and noise. The Water District has removed all trash receptacles along the trail and people just toss it into the creek or along the trail. Many do not clean up after their dogs. You think this will get better? I think not.

Furthermore, our neighborhood has experienced an increase in burglary over the past year. The reason? Easy access to the freeway. More housing will only exacerbate that problem and bring more low life into this nice neighborhood in hope of breaking into more homes. I urge the City Council not to look at who is donating to their campaigns and do what is BEST for the residents of Milpitas. That is NO MORE HOUSING in this neighborhood. We have a constitutional right to quiet enjoyment of our property and have been residents of Milpitas for over 20 years. Milpitas needs JOBS and companies need reasonable rents to locate here. Keep the area zoned as it is now. I would venture to say that absolutely no effort has been made to get any company to move into the proposed site. The building is huge and can accommodate 3-4 companies if modifications are made. It?s all about greed and it has to stop. I urge the Council to do what is morally RIGHT, not what is financially convenient.

Thank you for your time.

Marianne and LeRoy Zoricak
Gingerwood Dr.

City Council Meeting Oct. 22, 2014, @7pm **2G**

Good evening City Council Members!

My Name is Dieter Griesmeier and I have a Home on Montecito Way since 1991.

I am also the President of the HOA “California Landing Villas”, what is across from the new Development from IStar.

Two of our Board Members and me had over a month’s a go, a meeting with Mr. Tim Woloshyn to discuss the plan they presenting to you, tonight.

We had a good discussion and I told him my **major concerns** about this plan and I will share it with you:

#1. They build on 9.5 acre 148 detached homes, that means 15.6 homes per acre what is **high density**!! Our CLV complex has 10.7 homes per acre and the future Waterstone Complex has 7.8 homes per acre. They should adjust their plan down to at least 11home per acre, so they will match the Neighborhood density numbers.

#2.With the high density of homes in the plan they presented to you today, they have not included any space for a Community area, like a Pool, Spa, BBQ or Kids play-ground. That should be required when you have this amount of homes in a complex, then this will add on a quality of Living for this complex and the surrounding area.
They way they have it now, we call it a GETTO complex on California Circle, just to make Profit!!

#3. The only Street to Enter and Exit this complex, is before the onramp to the Milmont Bridge. With this location, they create a “Traffic Safety Hazard” for the drivers to enter, exit or pass by on California Circle. We do not want to see a future Stoplight installed! Also, the height of the bridge could be raised in the future by the SCVWD when they improve the Penetencia Creek, what would make this even worse.

Based on these three major issues this plan has, **we the citizens of Milpitas ask the City Council, to REJECT this plan!**
The current Layout of this plan will not fit into the current Neighborhood and would diminish the quality of life in this area.

Thanks for your time and your attention.
Dieter Griesmeier

From: Matsuoka, Cary [mailto:cmatsuoka@musd.org]
Sent: Friday, October 31, 2014 10:57 AM
To: Steven McHarris
Cc: lisa@nealmartinassoc.com
Subject: RE: iStar California Circle Residential Project - General Plan Amendment

I am good with the plan as written.

Cary

On Oct 31, 2014 8:29 AM, "Steven McHarris" <smcharris@ci.milpitas.ca.gov> wrote:

Hi Cary- Technically the deadline was October 22nd for the MND. The Planning Commission heard this item on October 22nd. However, that was a recommendation to the City Council. The City Council hearing will be November 18th. If you provide a comment letter on the project, we would like it as soon as possible in order to be prepared to address concerns and have it publically available.

The project MND from our CEQA consultant (Page 106) quotes the District generation rate of 0.30/dwelling unit. They used 148 units as the total (Actually is 144 now). It concludes 44 students total (31 K-5), 6 -6th-8th grade, and 7 high school). It quotes Pomeroy is approaching capacity and elementary school catchment of school assignment area modification may be required (sounds like you did some of this with Weller). The report concludes the District as a whole, there would be sufficient capacity to accommodate new students generated by the proposed residential Project. My understanding from our consultant is this conclusion was based on discussion with the District. We also conclude citing the Leroy F. Greene School Facilities Act of 1998, and payment of fees.

If you disagree with the MND conclusion about capacity, I need to know today. Let me know if you need additional information or need to discuss with our CEQA consultant. Also, I am cc'ing the project planner Lisa Costa Sanders as she has been the lead on the project. Lisa is a contract planner for us on this one.

REGULAR

NUMBER: 38.818

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CITY'S ZONING SECTIONAL MAP, CHANGING THE LAND USE DESIGNATION OF 9.45 ACRES FROM INDUSTRIAL PARK (MP) TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3 WITH A PLANNED UNIT DEVELOPMENT (PD14-0001)) AT 1210 CALIFORNIA CIRCLE (APN 022-37-017)

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial ("Applicant"), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle ("Project"). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed project; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014, and October 21, 2014; and

WHEREAS, on October 22, 2014, 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 the City Council deny the General Plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3); and

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

Section 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.

Section 2. The City Council has reviewed, considered and exercised its independent judgment on the Project, for which an Initial Study/Mitigated Negative Declaration was prepared in accordance with the CEQA, and the City Council adopted Resolution No. __ approving and adopting the Mitigation Monitoring and Reporting Program prepared for the Project, all in accordance with CEQA. All applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program on file with the City of Milpitas Planning Department will apply to the Project and, where impacts cannot be reduced to a level of less than significant, statements of overriding considerations are set forth in Resolution No. ___. Resolution No. __is hereby adopted by reference as though fully set forth herein.

Section 3. **Zoning Amendment Findings – Milpitas Municipal Code Section XI-10-57.02(G)(3)**:

1. *The proposed amendment is consistent with the General Plan.*

Simultaneous with the introduction of this Ordinance at the City Council meeting on November 18, 2014, the City Council adopted a Resolution to amend the General Plan Map to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle. The Zoning Map Amendment would be consistent with the amended General Plan Map.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

Changing the land use designation for the Project site from Industrial Park (MP) to Multi-Family Residential (R3) will not adversely affect the public health, safety and welfare. The residential designation is consistent with the residential development to the east of the project site (across the creek) as well as consistent with the recently approved residential development to the north of the project site along California Circle. As conditioned, the residential use will not negatively impact adjacent commercial uses and there is circulation network is sufficient for the new use.

Section 4. Amendment of the City of Milpitas Zoning Sectional Map

The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 582, a copy of which is attached hereto and incorporated as **Exhibit 1**. This Zoning Map shall be kept in uncodified form and shall be made available upon request from the Director of Planning and Neighborhood Services.

Section 5. Severability

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

Section 6. Effective Date and Posting

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

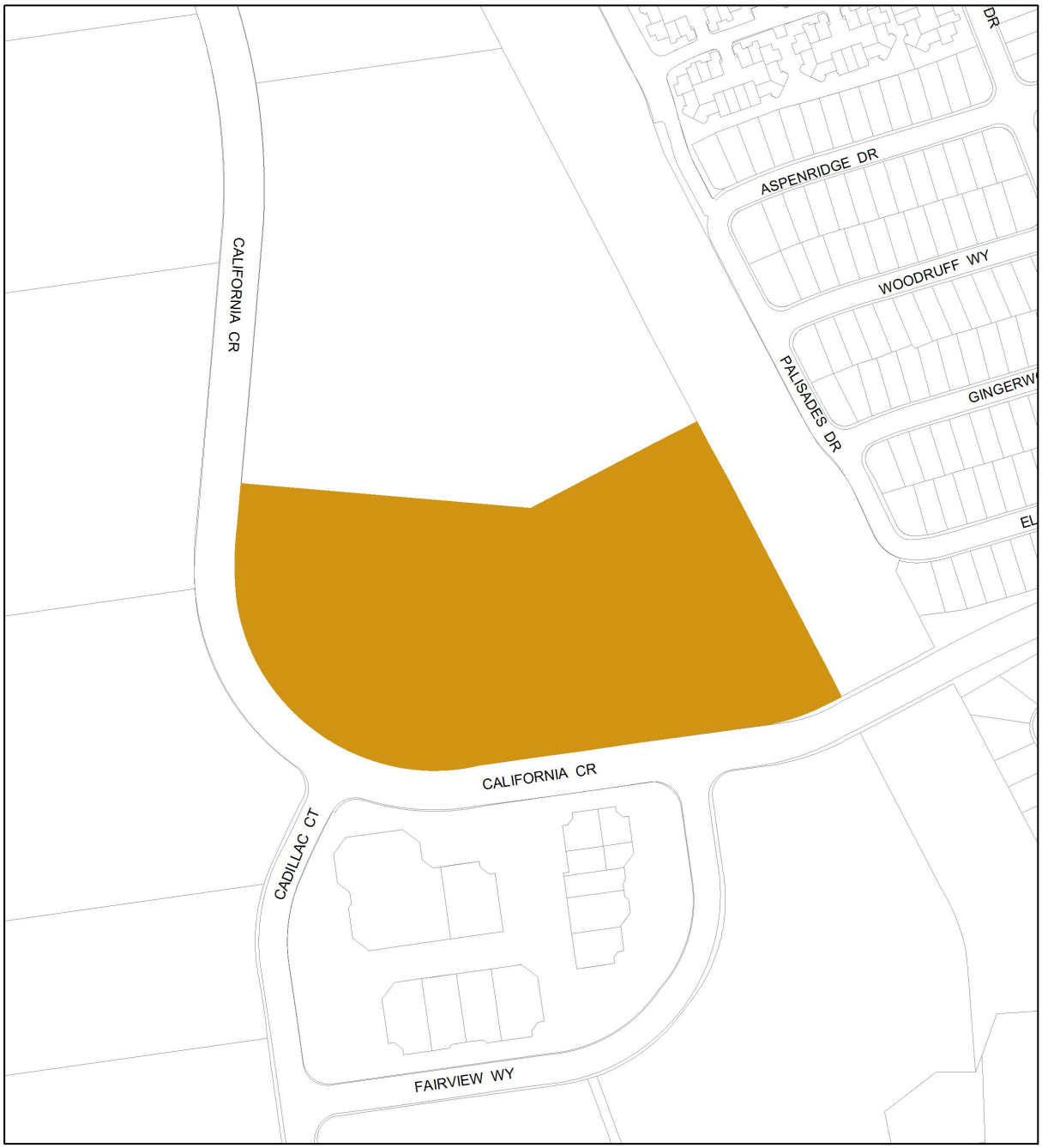
Exhibit 1

City of Milpitas
ISTAR Residential Project
Sectional District Map. No 583
Map Exhibit

Legend

Parcel Boundary

ISTAR Project Area



Ordinance No. _____ Resolution No. _____ Application No. GP14-0003 and ZA14-0010 Map prepared by GIS Staff of the City of Milpitas

RESOLUTION NO. 8220 **2J**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT NO. GP12-0005, AMENDMENTS TO THE LAND USE AND CIRCULATION ELEMENTS

WHEREAS, on August 21, 2012, the City Council initiated a General Plan Amendment to update the policies of the Land Use and Circulation Elements; 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 Planning Commission determine this project exempt; and

WHEREAS, on November 14, 2012, the Planning Commission held a duly noticed public outreach hearing on the subject application, and considered evidence presented by City staff, and other interested parties; and

WHEREAS, on December 12, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, and other interested parties and recommended approval of General Plan Amendment No. GP12-0005 by no less than a majority of its total membership; and

WHEREAS, on January 15, 2013, 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. The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt pursuant to Section 15061(b)(3).
3. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended and do not constitute substantial amendments.
4. The proposed amendments will not adversely affect the public health, safety, and welfare in that the amendments enhance public health, safety and welfare.
5. Therefore, based upon the findings contained herein, General Plan Amendment No. GP12-0005, Land Use and Circulation Element Amendments, as set forth in Exhibits 1 and 2, is approved.
6. Effective Date: This Resolution shall not apply to projects where complete submittals have been filed in conjunction with the project application prior to the effective date. The effective date of this amendment shall be 30 days after its date of adoption of January 15, 2013.
7. Implementing Policy 2.1-I-2 shall not apply to General Plan Amendment applications for properties west of McCarthy Boulevard north of Highway 237 and for properties east side of California Circle to Penitencia Creek.

PASSED AND ADOPTED this 15th day of January 2013, by the following vote:

AYES:	(4)	Vice Mayor Polanski, Councilmembers Giordano, Gomez and Montano
NOES:	(1)	Mayor Esteves
ABSENT:	(0)	None
ABSTAIN:	(0)	None

ATTEST:

for Mary Lavelle, City Clerk

APPROVED:

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney