

Appendix K



**CITY OF MILPITAS
NOTICE OF PREPARATION
WATERSTONE RESIDENTIAL PROJECT**

Date: March 1, 2013

To: Public Agencies and Interested Parties

From: Cindy Hom, Assistant Planner

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Waterstone Residential Project

Trumark Homes proposes redevelopment of an existing light industrial property in the City of Milpitas. The redevelopment would include demolition of two industrial buildings and construction of 84 single-family detached houses and associated infrastructure. Approval of the project will require actions by the City of Milpitas including the preparation and certification of an Environmental Impact Report to support the entitlements.

As the Lead Agency, the City of Milpitas will prepare an Environmental Impact Report for the above-referenced Project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Environmental Impact Report prepared by our agency when considering your permit or other approval for the project.

The project description, location, and potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible.

To respond in writing, agencies should identify a contact person. Please send your response to:

City of Milpitas
Attn: Cindy Hom
455 East Calaveras Boulevard,
Milpitas, CA 95035
408-586-3278
chom2@ci.milpitas.ca.gov

Cindy Hom

Assistant Planner
Date: March 1, 2013

Notice of Preparation for an Environmental Impact Report for the City of Milpitas Waterstone Residential Project

March, 2013

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

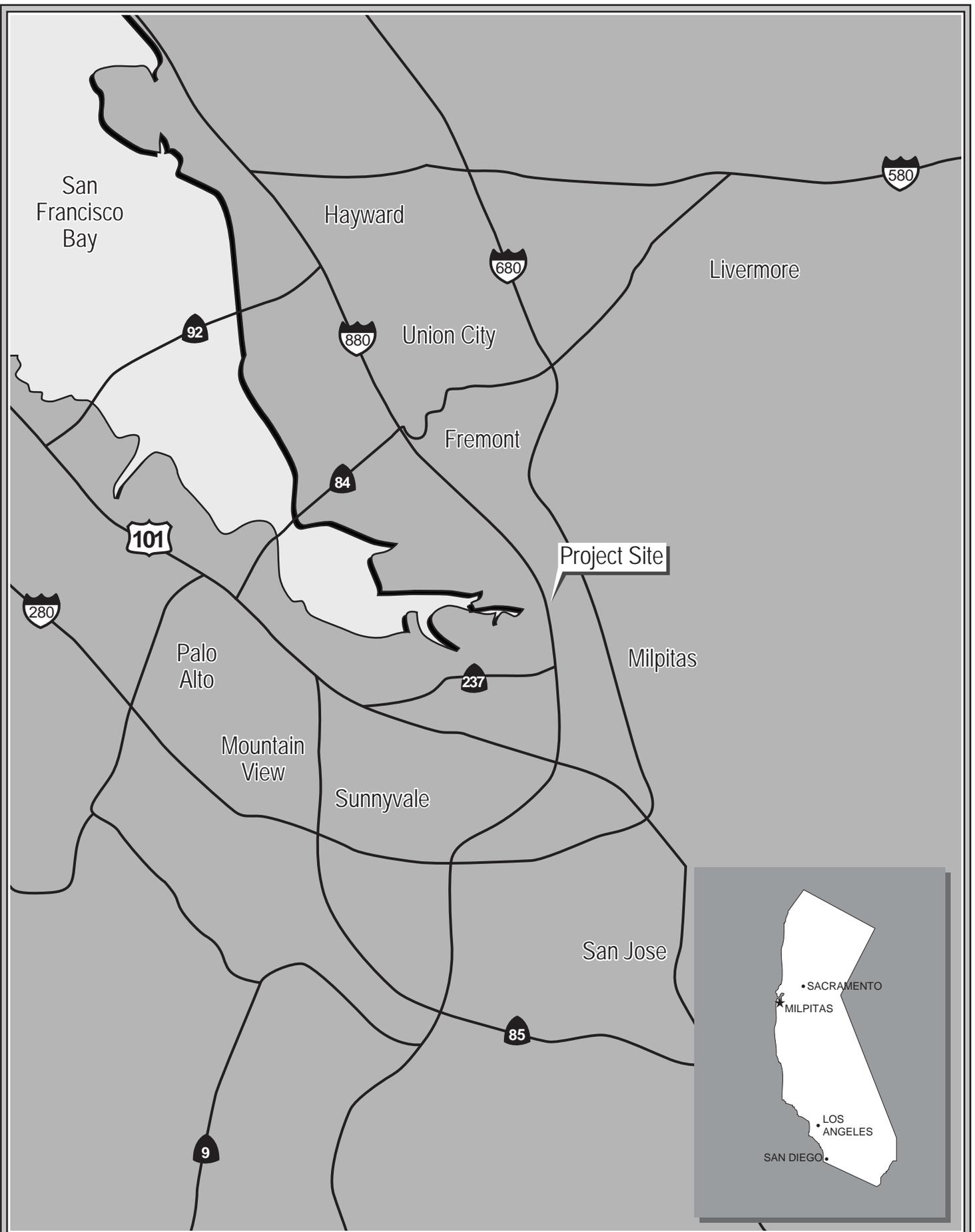
- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

There are eight parcels that will be analyzed in the EIR. Two of the parcels are proposed to be redeveloped and the remaining six parcels are proposed for General Plan Amendments with no accompanying development. The two parcels proposed for redevelopment total approximately 10.7-acres (APNs 022-37-011 and -012) and are located on the east side of California Circle Drive, adjacent to the west side of Lower Penitencia Creek in the City of Milpitas.

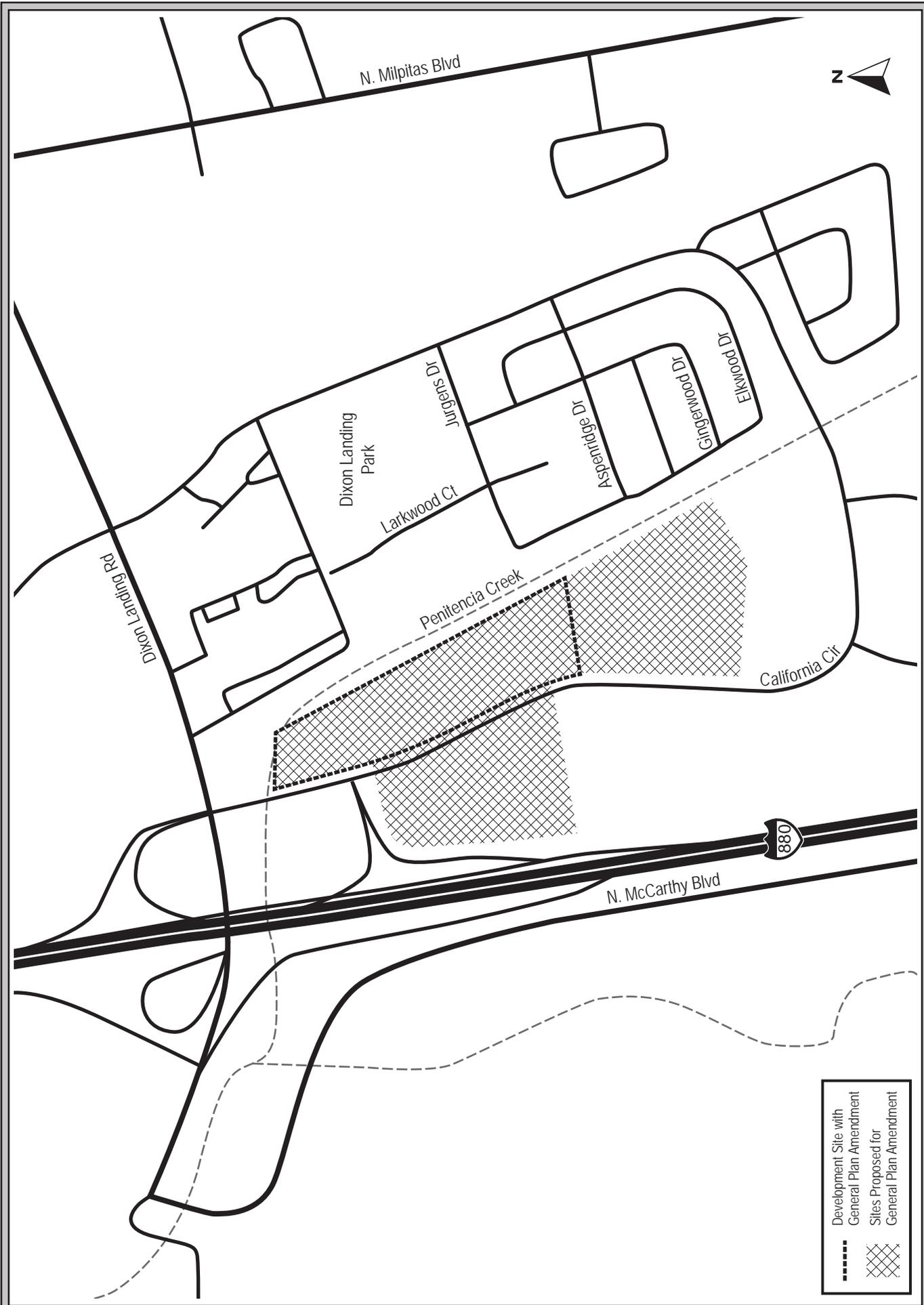
The six commercial/industrial parcels proposed for General Plan Amendments are located south and west of the redevelopment site. These parcels include one parcel located south of the project site (APN 022-37-019), and five parcels located west of the project site (APNs 22-37-040, -045, -046, -047, and -049).

Figures 1 and 2 show the locations of the project parcels.



REGIONAL MAP

FIGURE 1



- Development Site with General Plan Amendment
- XXXXXX Sites Proposed for General Plan Amendment

FIGURE 2

VICINITY MAP

Project Description

Redevelopment Project

The approximately 10.7-acre redevelopment site is currently occupied by two vacant one-story industrial buildings totaling 105,100 square feet and paved parking lots. The project will demolish the existing buildings and surface lots and construct 84 single-family detached residential units and associated infrastructure. The residential units will be three stories in height and will be accessed via two driveways off of California Circle Drive. As part of the redevelopment, the project proposes an approximately six-foot tall, clear-span pedestrian bridge over the creek to provide connectivity



between the proposed residential development and the existing residential neighborhood east of the creek. The approximate location of the bridge is at the southern end of the site as shown in the adjacent figure. The final location of the bridge will be determined in coordination with the Santa Clara Valley Water District. The redevelopment site is currently designated *INP-Industrial Park* in the City's General Plan and zoned *MP –Industrial Park*. The project includes a General Plan

Amendment (GPA) to *SFM-Single-Family Moderate Density 6-15 units/gross acre* and a rezoning to *R1-2.5 Single Family Residential*.

General Plan Amendments

In addition to the redevelopment described above, the project includes a GPA from *INP-Industrial Park* to *SFM-Single-Family Moderate Density* and a rezoning from *MP –Industrial Park* to *R1-2.5 Single Family Residential* on the parcel south of the project site (APN 022-37-019). On the five parcels west of the project site, the project includes a GPA from *INP-Industrial Park* to *GNC-General Commercial* and a rezoning from *MP –Industrial Park* to *C2-General Commercial* (APNs 22-37-040, -045, -046, -047, and -049).

Potential Environmental Impacts of the Project

The EIR will discuss the environmental effects anticipated to result from development of the project as proposed and will include a discussion of the following specific environmental categories as related to the project:

1. Land Use

The project site is located in a developed urbanized area surrounded by commercial and industrial land uses. The EIR will describe the existing land uses adjacent to and within the project site. Land

use impacts that would occur as a result of the proposed project will be analyzed. The effect of the project on the City's jobs/housing balance will also be analyzed. Mitigation measures will be identified for significant impacts, as warranted.

2. *Visual Resources*

The project site is located approximately 500 feet east of Highway 880, adjacent to the west side of Lower Penitencia Creek, in an area developed with commercial, industrial, and residential development. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the intensification of development on the project site. Mitigation measures will be identified for significant impacts, as warranted.

3. *Geology*

The project site is located in Seismic Zone 4, which is the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site. Mitigation measures will be identified for significant impacts, as warranted.

4. *Hydrology and Water Quality*

The project site is located adjacent to Lower Penitencia Creek. Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the EIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the project's effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board. Mitigation measures will be identified for significant impacts, as warranted.

5. *Biological Resources*

As previously noted, the project site is located adjacent to Lower Penitencia Creek and proposes construction of a pedestrian bridge over the creek. Additionally, there are several trees on the site. The EIR will identify and discuss potential biological impacts resulting from construction of the project, and will address the proposed relocation and/or preservation of trees in-place during site development. Mitigation measures will be identified for significant impacts, as warranted.

6. *Hazards and Hazardous Materials*

The project site is in a primarily light industrial area. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for construction workers and future site users to be significantly impacted by hazardous materials. Mitigation measures will be identified for significant impacts, as warranted.

7. *Cultural Resources*

The City of Milpitas has documented historical sites and the project site is a sensitive area for subsurface resources due its location adjacent to Lower Penitencia Creek. The EIR will address the potential for redevelopment of the project site to impact subsurface cultural resources. Mitigation measures to avoid possible impacts will be identified based on the City's General Plan policies and practices, as warranted.

8. *Energy*

The EIR will address energy usage on-site and proposed design measures to reduce energy consumption consistent with the City's adopted Green Building Ordinance.

9. *Transportation and Circulation*

The project site is located adjacent to California Circle Drive, approximately 500 feet east of Highway 880. The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. A traffic study will be prepared for the proposed redevelopment project in order to identify the impacts of the project on the existing local and regional transportation system and the planned long-range transportation network. In addition, a screenline analysis will be prepared to address the potential impact of future development consistent with the proposed General Plan Amendment. Mitigation measures will be identified for significant impacts, as warranted.

10. *Air Quality*

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality according to 2010 Bay Area Air Quality Management District (BAAQMD) guidelines and thresholds. Because of the proposed residential development, a risk assessment for toxic air contaminants will be prepared. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

The EIR will also address odor issues resulting from the project site's proximity to the Newby Island Landfill. The analysis will be based on the guidelines and thresholds of BAAQMD as well as odor complaint data provide by BAAQMD. Mitigation measures will be identified for significant impacts, as warranted.

11. *Global Climate Change*

The EIR will address the proposed project's contribution to regional and global greenhouse gas emissions based on BAAQMD thresholds. Proposed design measures to reduce energy consumption, which in turn would reduce greenhouse gas emissions, will be discussed. Mitigation measures will be identified for significant impacts, as warranted.

12. *Noise*

The project site is located approximately 500 feet east of Highway 880 and 200 feet west of a residential neighborhood. The EIR will evaluate impacts from noise in the project area to future residents of the project site, as well as impacts from project construction to nearby residential development. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of Milpitas General Plan. Mitigation measures will be identified for significant impacts, as warranted.

13. *Utilities*

Implementation of the proposed project will likely result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management. Mitigation measures will be identified for significant impacts, as warranted.

14. Public Services

The EIR will address the availability of and demand for public facilities and services including police, fire protection, schools, and parks. Mitigation measures will be identified, as warranted.

15. Alternatives

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

16. Significant Unavoidable Impacts

The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

17. Cumulative Impacts

The EIR will include a cumulative impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
OAKLAND, CA 94612
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 771



*Flex your power!
Be energy efficient!*

March 28, 2013

SCL880242
SCL-880-10.41
SCH# 2013032005

Ms. Cindy Hom
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035

Dear Ms. Hom:

Waterstone Residential Project – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Notice of Preparation and have the following comments to offer.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. Interstate 880 (I-880) currently experiences back-ups or congestion during the afternoon peak period at the junction of Route 237 and in the north bound direction at Dixon Landing Road. We request that, as a part of the proposed project's environmental assessment, a Traffic Impact Study be prepared to evaluate the following:

- Mainline I-880 from Dixon Landing Road to the junction with Route 237;
- Ramp operations and queuing at the Dixon Landing Road interchange;
- Ramp operations and queuing at the junction of State Route 237 and Interstate 880;
- Level of Service and queuing at the freeway ramp intersections at California Circle and Dixon Landing Road (for both northbound and southbound ramps); and
- Intersection operation at the intersection of Dixon Landing Road and N. McCarthy Blvd.

We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The TIS Guide is available at the following website address: <http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf>.

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation

to nearby State roadways. Ingress and egress for all project components should be clearly identified. The State right-of-way (ROW) should be clearly identified. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.

2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, and is explained in detail in the TIS Guide, should be applied to all State facilities. If the existing State highway facility is operating at less than the appropriate target LOS, the existing Measures of Effectiveness (MOE) should be maintained.
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.
6. Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

Lead Agency

As the lead agency, the City of Milpitas is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any

case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see end of this letter for more information regarding encroachment permits.

Vehicle Trip Reduction

Caltrans encourages you to locate any needed housing and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways. We also encourage you to develop Travel Demand Management (TDM) policies to encourage usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include car-sharing programs, bicycle lanes and bicycle parking, and providing transit passes to residents, among others.

In addition, secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures should be analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Regional Impact Fees

Interstate 880 is critical to regional and interregional traffic in the San Francisco Bay region. It is vital to commuting, freight, and recreational traffic and is one of the most congested regional freeway facilities. Given the proximity of the proposed project to the interchange ramps, the traffic generated could have significant regional impact to the already congested state highway system. The Department encourages the City of Milpitas to condition the project with a contribution to a regional transportation fee program to mitigate and plan for the impact of future growth on the regional transportation system. The fees would be used to help fund regional transportation programs that add capacity increasing improvements to the transportation system to lessen future traffic congestion.

Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion. The purpose of regional impact fee program would improve mobility by reducing time delays and maintaining reliability on major roadways throughout the San Francisco Bay Area.

Mitigation Reporting Guidelines

The California Environmental Quality Act (CEQA) requires the adoption of reporting or

monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available on the following website:
<http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html>.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <<http://www.dot.ca.gov/hq/traffops/developserv/permits>>.

Should you have any questions regarding this letter, please call Jesse Robertson of my staff at (510) 286-5535.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Cindy Hom

From: Janet Kan <kanjanet@gmail.com>
Sent: Thursday, May 02, 2013 9:53 PM
To: Cindy Hom
Subject: Waterstone Residential Project

We are residents of the California Landing community and we learned about the Waterstone Residential Project recently.

We generally support the project with the exception of the proposed pedestrian bridge crossing the water district creek.

1) Is this bridge necessary?

- There are already two bridge crossings, California Landing and within 800 feet of the proposed crossing location. These crossings are adequate connectivity between the east and west banks of the creek in my opinion.

- The proposed project is already adjacent to the western creek trail where future resident can readily access for exercising and leisure use.

2) Is this bridge practical?

- The east end of the bridge is in the alignment of Terra Mesa Way, which is a private street owned by our community. There is fence on the western boundary of our community. Thus, future users of the bridge will need to walk north to California Circle or south to Aspenridge Drive to exit the east trail. The total walk distance will almost be the same as walking along the creek trail in a loop. Why build this bridge?

3) Safety & Privacy Issues with Additional Foot/Bike Traffic

- We are concerned that the addition of a new pedestrian bridge will increase foot and bike traffic through Calle Del Sol, Montecito Way and Terra Mesa Way because these are the most direct routes to Dixon Landing Park. These are all private streets. Increased traffic into our private streets increase our on-going trespassing issues along the trail and reduce privacy of our community.

- There are essentially no sidewalks on the above mentioned streets. Increased pedestrians and bikers will certainly increase the chance of traffic accidents.

We highly object the construction of this bridge. We don't need an impractical bridge to increase connectivity. The communities are already well connected.

Thanks.

Janet and Kelvin Ng
376 Montecito Way
Milpitas, CA

Cindy Hom

From: Dieter Griesmeier <dgrie1860@att.net>
Sent: Friday, April 26, 2013 2:14 PM
To: Cindy Hom
Subject: Penitencia Bridge Proposal with Waterstone Residential Project
Attachments: #1 New proposed Pedestrian Bridge location 2013-4.jpg; #2 California Circle bridge with proposed Pedestrian bridge 2013-4.jpg

Hello Cindy Hom,
i am sending you this letter and please forward it to the City planning commission.

The Homeowners and residents of California Landing Villas Association want to express their strong opposition to the proposed 220 - foot long pedestrian bridge of the Penetencia creek at the current position, location near Terra Mesa Way.

Also, residents of the single -family homes in the community adjacent to California Landing Villas join us in rejecting this bridge location.

Many Homeowners and residents who live near the proposed bridge location will loose privacy within their units as a long part of the bridge's walkway runs along the first level of homes in this area, near Terra Mesa Way. People crossing the bridge will have direct, close-up view into many California Landing Villas homes. Women and children especially will feel threatened knowing that any body walking by can see into their home and watch them in the "privacy" of their home.

Moreover, the proposed bridge in this location will increase foot traffic in the area as many people will use it as a short-cut which did not exist before and which the bridge will make possible.

In addition, some people will be on the bridge at night just to smoke and for other outdoor socializing, such as just "hanging out".

Some will likely jump over "our fence" on Terra Mesa Way and will cause damage. We had to repair our fence twice in the past four months as holes were cut into the mesh fence to get access to our complex as a short cut.

The homeowners, residents and officers of the California Landing Villas community want to be a part of the solution to any problems that are bound to surface as plans to construct the bridge move forward.

Naturally we all have large emotional and financial interest in our homes and wish Milpitas officials involved in approving the placement of the bridge would give us the opportunity to contribute ideas that will help solve problems that affect our community.

The more input that's collected, the more likely it will be that the best solutions are chosen.

Regarding the bridge issue we offer some alternatives that might be more acceptable to the community.

Attachment one, is a picture with the proposed new position of the pedestrian bridge. With the new location, parallel to the California Circle bridge, you have decreased the length of the bridge and you are farther away from homes so you can protect the privacy and more people will use it.

Attachment two, shows a picture, how it would look like, based with my limited capability of modifying the current location on the new pedestrian bridge.

We hope you will consider these idea in the spirit of working together to keep our community a wonderful, attractive place to live, and we wish we will have ongoing opportunities to contribute views as proposals that affect California Landing Villas in particular come before Milpitas officials for action.

Dieter Griesmeier
Homeowner and
President of California Landing Villas

Cindy Hom

From: Helen Lim <hlyfitness@yahoo.com>
Sent: Tuesday, April 16, 2013 12:06 AM
To: Jose Esteves; Carmen Montano; Cindy Hom
Subject: Fw: OPPOSED to proposed pedestrian bridge for Waterstone Project

Please see below. I had received error messages that the original was not sent. Thanks! --Helen (resident)

----- Forwarded Message -----

From: Helen Lim <hlyfitness@yahoo.com>
To: "jesteves@ci.milpitas.ca.gov" <jesteves@ci.milpitas.ca.gov>; "apolanski@ci.milpitas.ca.gov" <apolanski@ci.milpitas.ca.gov>; "dgiordano@ci.milpitas.ca.gov" <dgiordano@ci.milpitas.ca.gov>; "agomez@ci.milpitas.ca.gov" <agomez@ci.milpitas.ca.gov>; "cmontano@ci.milpitas.ca.gov" <cmontano@ci.milpitas.ca.gov>; "chom2@ci.milpitas.ca.gov" <chom2@ci.milpitas.ca.gov>; "smcharris@ci.milpitas.ca.gov" <smcharris@ci.milpitas.ca.gov>; "sahsing@ci.milpitas.ca.gov" <sahsing@ci.milpitas.ca.gov>
Sent: Tuesday, April 16, 2013 12:01 AM
Subject: OPPOSED to proposed pedestrian bridge for Waterstone Project

Dear Mayor Esteves, Vice-Mayor Polanski, Councilmembers Giordano, Gomez, and Montano, Ms. Hom, Mr. McHarris, Mr. AhSing, and Chief Pangelinan:

I am a long-time homeowner and resident at California Landing Villas, which is east of the proposed Waterstone Residential Project to consist of 84 new homes on California Circle. Included in the proposal is a pedestrian bridge, which I strongly oppose for the following reasons:

- 1) While I understand that change happens and that the city needs revenues, a 3rd bridge which crosses Lower Penetencia Creek is not necessary since there are already 2 existing and well-constructed bridges on both ends of California Circle.
- 2) While Trumark Homes is anticipated to fund/build the bridge if the plan is accepted, the City will be responsible for its maintenance, and I do not think that it will be maintained properly or frequently. The city trail which is adjacent to the creek has been neglected since last year's lay-offs. Vegetation is overgrown, and the trail is very trashy. The area looks very slummy.
- 3) Since the trail maintenance has been significantly reduced, there is a lot of trash (e.g., broken beer bottles and other glass), and I suspect trash will be left on this new bridge or tossed over it into the creek.
- 4) In addition, I suspect that adding this bridge will invite more crime (e.g., vandalism) and also provide an additional exit for lawbreakers.
- 5) This bridge will not be easily accessible to law enforcement because motorized vehicles are currently not allowed along this trail, and there are 3 waist-high posts that the city installed to prevent such traffic. (One had been vandalized and removed a couple yrs ago right after they were replaced.) These posts are near Terra Mesa Way, which is next to the east end of where the proposed bridge will be. MPD will either have to park at Aspenridge (the boundary between California Landing Villas and the single family homes south of the proposed bridge) and run to the bridge, or police will have to access the bridge on the west side (via the new

homes). Neither east nor west sides of the bridge would be quickly and easily accessible and would delay response to any reported crime in progress.

6) The trail has no public lighting at night, and I suspect that the proposed bridge will not have lights either. This again provides advantages to lawbreakers.

7) The proposed bridge is supposed to be 6 feet high, which seems short. What if someone tries to commit suicide from it?

8) The water level at the creek seems to get higher now during periods of heavy rain. Maybe it's a result of changes made to the floor of the creek a few years ago--I don't know. But, the levees aren't that big, and it seems that the proposed bridge might affect the integrity of the levees on both sides of the creek. I'd be curious to know SCV Water District's input regarding the proposed bridge. We also saw flooding twice at the park this past December. When we flooded here in 1998, the city pumped water out from our area to the creek, and, again, I fear the levees will be compromised with the addition of the bridge.

9) I use the trail regularly, despite it's decline in appearance and the land mines (dog poo), and I think the new homeowners should be encouraged by the city to enjoy the trail and to make healthy lifestyle choices. I.e., the new homeowners can walk to either of the 2 existing bridges if they wish to visit Dixon Landing Park. When people visit the park, they're usually active there, so why not make them walk a little further to either of 2 bridges that are already here? Plus, for the regular Starbucks drinkers, having the new bridge may make our residents lazier by taking the shortcut on the bridge and thereby crossing thru the new development.

10) My community already gets alot of foot and auto traffic because of the public park across the street. There's alot of trash that gets strewn in our complex, not to mention parking problems. We don't need more outsiders (e.g., from the new project) parking in our private parking spaces if they can't find parking where they're at. The Brander-Mill apartment residents already do that (use our parking spaces).

I apologize for my lengthy message, but this subject is of serious concern to me.

Thanks for indulging me by reading this far.

Best regards,
Helen Lim

Cindy Hom

From: lane tomita <lanetomita@yahoo.com>
Sent: Sunday, April 14, 2013 11:15 PM
To: Cindy Hom
Subject: Waterstone

Hi Cindy,

I was not able to make the counsel meeting on the Waterstone. I live on the corner of Terra Mesa Way and Calle del Sol. Looking at the Notice of Preparation for this project I see that there's a bridge planned to cross the creek right where I live. I'm opposed to the location of this bridge. Terra Mesa Way and Calle del Sol are private streets. I feel that the bridge should be moved and connect to a city street like Aspenridge or no bridge at all. I feel the bridge is not a marketing attribute to the project but an enabler for unsavory people or kids to cause trouble on both sides of the bridge. We already have issues with people cutting holes in the fence or parking their cars in our area when they live in the houses. We don't need people parking their cars in our area and then crossing the bridge to get to someones house. We don't need people casing our complex to take delivery packages.

Lane Tomita

Cindy Hom

From: Kristen Valus <klvalus@yahoo.com>
Sent: Monday, April 08, 2013 1:45 PM
To: Cindy Hom
Subject: Waterstone Residential Project

April 8, 2013

City of Milpitas

Attn: Cindy Hom

455 East Calaveras Blvd.

Milpitas, CA 95035

RE: Waterstone Residential Project

To Whom It May Concern:

We are writing as concerned residents of California Landing Villas about the proposed pedestrian bridge associated with the Waterstone Residential Project. Per your project description, *"an approximately six-foot tall, clear-span pedestrian bridge over the creek to provide connectivity between the proposed residential development and the existing residential neighborhood east of the creek. The approximate location of the bridge is at the southern end of the site as shown in the adjacent figure. The final location of the bridge will be determined in coordination with the Santa Clara Valley Water District."*

We oppose this location of the pedestrian bridge for several reasons. The bridge will allow increased access to our neighborhood as a "cut through" to Dixon Landing Park. We are concerned about the increased accessibility promoting more crime in our neighborhood as well as loss of privacy. Our HOA spent a good deal of money building a privacy fence along the creek to keep our neighborhood relatively secure from the public using the creek trails. We absolutely oppose an access gate in our fence for the public, nor do we want more people "jumping the fence" because they are too lazy to walk around. Terra Mesa Way is technically a private street. Also, the height of the bridge would be seen from the second and third stories of our homes.

We understand the benefit of the new residents being able to access Dixon Landing Park, however, there are other ways to promote this access without using our neighborhood as a thoroughfare. We suggest you work with the developer to expand the current traffic bridge over the creek on California Circle to allow for bike lanes in both directions and a wide walking path so new residents can access the park by going along Dixon Landing Road to Milmont Drive. Alternatively, we strongly recommend the developer consider moving the pedestrian bridge to intersect with Aspenridge Dr. where our fence and community ends, so the public would be using public (not private) streets to access Dixon Landing Park.

Finally, consider not building a bridge at all. We do not want the pedestrian bridge connecting in our neighborhood and we, along with our HOA, will continue to fight this aspect of the proposal throughout the city's approval process.

Kristen Valus

Kelly Alexander

464 Cascadita Terrace