

Appendix G

ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:** Traverse Residential Project (SD13-00xx, UP13-00xx, MT13-00xx, EA13-00xx)
- 2. Lead agency name and address:** City of Milpitas, 455 E. Calaveras Blvd. Milpitas, CA 95035
- 3. Contact person and phone number:** Cindy Horn, (408) 586-3284
- 4. Project location:** 569-625 Trade Zone Blvd. (APN 086-36-006, 004, 005 & 003)
- 5. Project sponsor's name and address:** Bridgit Koller for Warmington Homes, 2400 Camino Ramon, Suite 234, San Ramon, CA 94583.
- 6. General plan designation:** Multi-Family Resident, High Density with Transit Oriented Development Overlay (MFH)
- 7. Zoning:** Multi-Family Residential, High Density with Transit Oriented Development and Site and Architectural Overlay (R3-TOD-S).

8. Description of project: An application has been submitted to the City of Milpitas for the following request:

- Site Development Permit for the site and architectural approval of a new high density residential subdivision and associated site improvements.
- Conditional Use Permit to allow for exceptions to development standards.
- Vesting Tentative Map to create “for sale” housing units.

The project proposal entails the demolition of existing structures and associated auto dismantling facilities, soil remediation of the project site area to meet residential cleanup standards, construction 206 new multi-family residences, various site improvements including land dedication that allows for the widening of Trade Zone Boulevard, creation of two new local streets, and a public park on a 12.51 acre site.

9. Surrounding land uses and setting: The City of Milpitas is situated on the eastern shore of the San Francisco Bay, in Santa Clara County, just south of Alameda County. Milpitas encompasses about 13.64 square miles of land, and borders Fremont on the north, San Jose on the south and west, and unincorporated county to the east. See Figure 1 for map location.

The project site is located within the Trade Zone/Montague sub district of the Milpitas Transit Specific Plan area. The project site is comprised of four parcels. The first parcel is located at 569 Trade Zone Blvd. and is a 4.39± acre in size containing an active auto dismantling and storage facility. The remaining three parcels 595, 615, and 625 Trade Zone Blvd are 3.07±, 3.00± and 2.05± acres respectively and were auto dismantling and storage facilities that are now vacant. The subject property is bounded by Trade Zone Boulevard to the west, a residential subdivision that is currently under construction to the north and a mix of light industrial and automotive uses to the east and south. See Figure 2 for the project location.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) None.

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.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

Date

Printed Name

For

MAPS

Figure 1: Regional Map

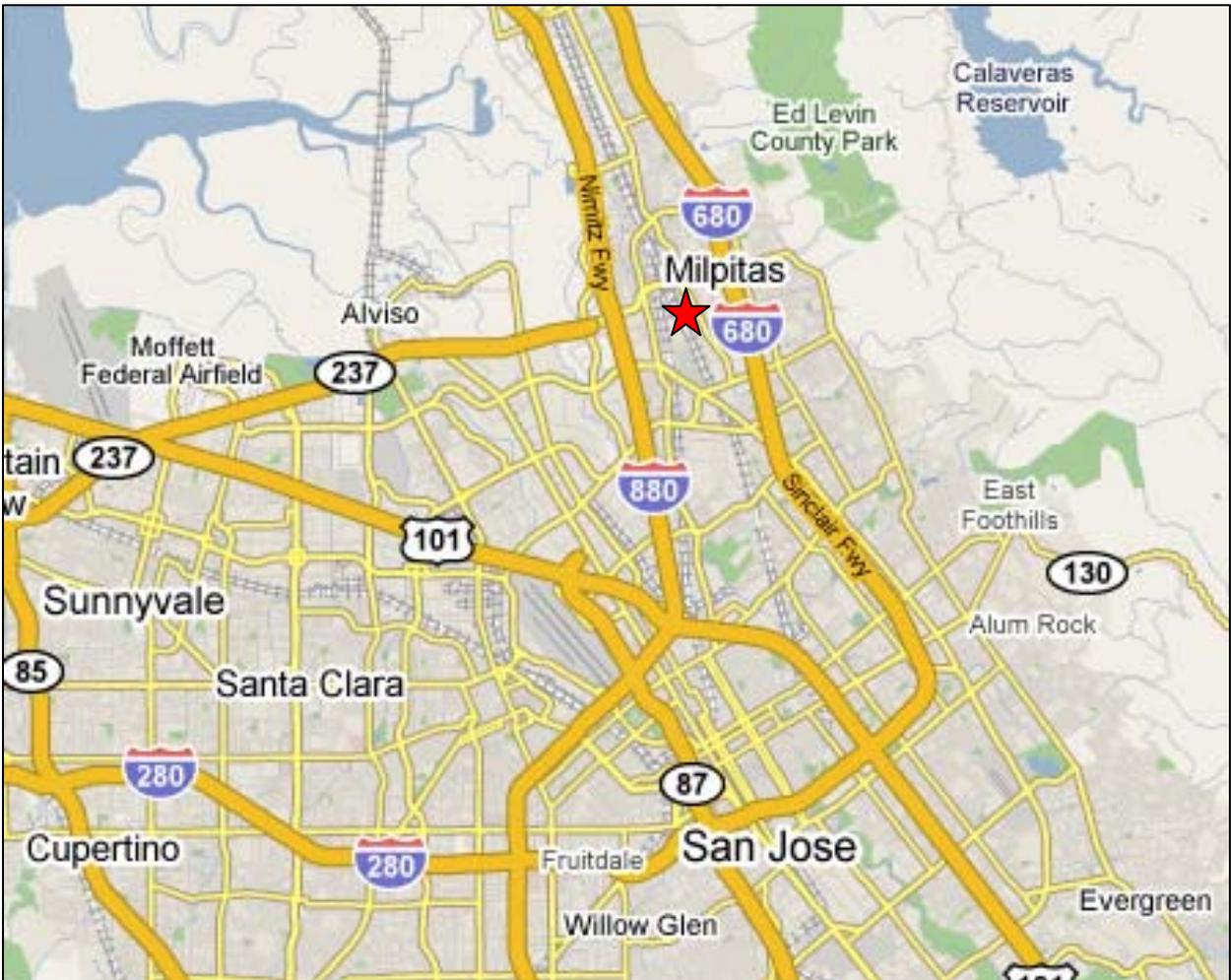


Figure 2: Vicinity Map



Not to Scale.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of 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.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be 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. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4, 23
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4, 23
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4, 23
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4, 23

Comment:

The project will not substantially impact any scenic vistas, damage scenic resources, degrade the existing visual quality, or create a new source of substantial light or glare because the project site is located on the valley floor and is not on or near any designated scenic corridors, scenic resources, and/or scenic highways. The project proposes to demolish existing one story metal buildings and structures as well as removal of 67 trees consisting of Myoporum, Privet, Evergreen ash, Evergreen pear, and Canary Island pine trees. The project proposes construction of new multi-family townhomes and condominium residential buildings and installation of associated site improvements.

The project is anticipated to have a positive impact on visual character of the neighborhood. The proposed residential project will replace unsightly junked vehicles and auto parts that are stored within the automotive dismantle yards with new three and four story residential buildings designed with Italianate architecture, landscaping enhancements and decorative site amenities within the development and along the right-of-way fronting Trade Zone. The project will also include three new local streets that would be added as part of this development. Furthermore, the proposed project that will not create any additional scenic or visual impacts beyond what anticipated in the Transit Area Specific Plan EIR. The implementation project and its conformance to the Transit Area Specific Plan (TASP) development standards and policies for lighting, undergrounding utilities, and creating a deep setback from Trade Zone reduces the impact to a level of no impact. **[No Impact]**

II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
4) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12

Comment: The project site is located in an urbanized industrial area. The project site is not currently used for agricultural purposes and is not zoned or designated as farmland of any type or would conflict with a Williamson Act Contract. **[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	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10, 22
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10, 22

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	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10, 22
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10, 22
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10, 22

Comment:

The project proposes to construct up to 206 dwelling units. The Bay Area Air Quality Management District (BAAQMD) does not require project specific analysis for projects proposing less than 520 apartments/condominiums or resulting in less than 2,000 vehicle trips per day. If a project does not exceed either of these thresholds, it is typically assumed to have a less than significant impact on air quality.

The proposed construction activity may result in a potential for creating air pollutants and generate exhaust emissions from vehicles/equipment as well as emission of fugitive particulate matter that would affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The California Air Resources Board (ARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). The ARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stop) were identified as having the highest associated risk. Health risks from Toxic Air Contaminants are a function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature, and the bulk of the emission occurs within the project site at a substantial distance from nearby receptors. Because of its short duration, health risks from construction emissions of diesel particulates would be a less than significant impact. A toxic air contaminant study was prepared for this project. The analysis indicated the project would not exceed thresholds.

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

Mitigation Measures:

Transit Area Specific Plan

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

MM AIR-1.1: The BAAQMD has prepared a list of feasible dust control measures that can reduce construction impacts to a less than significant level. The following measures will be implemented during all phases of construction on the project site:

- The project applicant shall water all active construction areas at least twice daily or as often as needed to control dust emissions.
- The project applicant shall cover all trucks hauling soil, sand, and other loose materials (including demolition debris) and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- The project applicant shall sweep daily or as often as needed with water sweepers on all paved access roads, parking areas, and staging areas at construction sites to control dust.
- The project applicant shall sweep public streets daily or as often as needed to keep streets free of visible soil material.
- The project applicant shall enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- The project applicant shall replant vegetation in disturbed areas as quickly as possible. **[Less than Significant Impact]**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

IV. BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Comment:

The project proposes demolition of a 12.51 acre site that consists of an active as well as discontinued auto dismantling and storage facilities. The project is not located near any riparian habitat, sensitive natural community, or federally protected wetlands. The project does 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.

The project would include the removal of 67 existing trees to allow for demolition, site remediation, grading, and the construction and installation of related site improvement including but not limited to underground utilities, new residential buildings, above ground site fixtures, and new landscaping.

Based on the preliminary tree assessment by Hort Sciences, 33 of the 67 on-site trees are deemed protected trees (any tree with a circumference of 37-inches or greater) by the Milpitas Tree Protection Ordinance. The removal of protected trees requires a tree removal permit and a replacement ratio of 2:1. The project will be adding new landscaping that includes a total of over 478 new trees and other various plan materials.

Impact BIO-1: The removal of 67 trees and related construction activity may have the potential to disrupt nesting raptors and or burrowing owls foraging on or occupying the project site.

Mitigation Measures:

MM BIO-1.1: To mitigate impacts on non-listed special-status and other nesting birds, a qualified biologist shall survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forward to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) (as appropriate) and, on a case by case basis, avoidance procedures adopted. These can include construction buffers areas (several hundred feet in the case of raptors) or seasonal avoidance. However if construction activities occurs only during the non-breeding season between August 31 and February 1, no survey will be required. **[Less than Significant]**

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, 4
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Comment:

The project will not have an impact that would result in a substantial adverse change in the significance of historic, archaeological, or paleontological resources because the project site is an existing industrial development located within an urbanized area. The buildings were constructed in the mid 1960 and 1970s and are not considered historic. Additionally, the Milpitas General Plan does not identify any designated or listed historic or cultural resources on the site.

The City of Milpitas was once inhabited by the Tamyen tribelet of Coastanoan (Ohlone) Indians, which maintained a few year-round village sites and visited temporary camps to hunt or gather food depending of the different season of the year. The two notable village sites include the Elmwood Correctional Facility and the Alviso Adobe. Although none of these sites are located on or adjacent to the project site, there is a potential for unknown subsurface artifacts and/or buried human remains given the early occupation of Coastanoan Indians.

Impact CUL 1: Construction of the proposed project could result in impacts to unknown buried archaeological resources. Implementation of the below mitigation measure can help reduce the impact to less than significant.

Mitigation Measures:

CUL MM1: All ground disturbing activities shall be monitored by a qualified archaeologist to ensure that any discovery of significant archaeological materials and/or human remains is handled in accordance with approved guidelines.

CUL MM2: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City’s Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo document or to recover the fossils shall be taken. If the fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted. **[Less than Significant]**

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:					1, 5, 13, 18
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13, 18
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 13, 18

Comment:

The project area is located on the Valley Floor, in a mapped liquefaction hazard zone with soils that have a moderate potential for expansion. The project site is not located within a fault rupture zone or landslide hazard zone. The project area is located in a seismically active region and could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region.

IMPACT GEO-1: Based on the Geotechnical Report dated November 26, 2012, the project area identified the potential for liquefaction-induced settlements, presence of undocumented fill, presence of highly expansive soils, and soil groundwater that may result in potential impacts.

Mitigation Measures:

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

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10, 15
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10, 15

Comment:

The accumulation of greenhouse gasses has been implicated as a driving force for global climate change. Definitions of climate change vary, but in general can be described as the changing of the earth’s climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere. The most common greenhouse gas that results from human activity is carbon dioxide, followed by methane and nitrous oxide. The last three of the six identified greenhouse gasses are primarily emitted by industrial facilities. The study was based on the primary greenhouse gasses which are: Carbon Dioxide, primarily generated by fossil fuel, Methane, emitted from biogenic sources landfills, and leaks in natural gas pipelines, and Nitrous Oxide, produced by both natural and human-related sources like agricultural uses.

According to the Transit Area Specific Plan EIR, the primary sources of greenhouse gas emissions related to urban development in Transit Area are anticipated to continue to be from the combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are also anticipated from construction activity that will occur during build out under the proposed Transit Area Specific Plan. Because the GHG generation rate is, for the most part, related to growth, policies that reduce energy consumption and fuel usage can have a positive effect. The Transit Area Specific Plan promotes development patterns that will reduce the vehicles miles traveled per capita and proposes a variety of

other actions that can reduce emissions, including tree planning. The Transit Area Specific Plan EIR has specific policies for new development within the Transit Area. The implementation of these policies will make the projects impact less than significant.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16, 17
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16, 17
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17

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:					
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16, 17

Comment:

As part of the proposed residential project, that applicant proposes to perform soil remediation of the project area to ensure compliance with residential clean up standards prior to development. A Phase I Environmental Site Assessment and /Phase II Soil, Groundwater, and Soil Vapor Evaluation were performed on the project site. The report dated November 6, 2012 by Cornerstone Earth Group identified the following environmental conditions:

1. The site was previous occupied by several auto salving companies since 1965. On-site activities have included the use, storage, and off-site disposal of a significant amount of automotive-related fluids and hazardous material. Indications of accidental releases of hazardous material and petroleum hydrocarbons associated with the activities may have occurred.
2. Imported fill material located within the top 1 ½ to 3 feet appears to be impacted in several areas of the site where automobiles were stored and outside areas subject to previous surface stain clean-up. In these areas, total petroleum hydrocarbons (TPHmo) was reported in concentrations exceeding the residential environmental screen levels (ESL). In addition, naturally occurring asbestos was detected in several samples of the fill. The report recommended soils exceeding residential screening levels should be either be removed for disposal at a permitted facility or consolidated in an on-site area with approval of the Santa Clara County Department of Environmental Health (SCCDEH).
3. Benzene was detected in the soil vapor above the residential CHHSL and residential ESL on the property located on 595-615 Trade Zone Blvd.. The report recommended further investigation and removal of soils exceeding residential screening levels, and to evaluate whether vapor intrusion engineering controls will be required.
4. A former steam cleaning pit was partial excavated on the eastern portion of the property at 595-615 Trade Zone Blvd. Soil samples collected exceeded the residential ESL at depths of 9-feet below the surface. Grab ground water concentrations collected at the northeast and southeast corners of the excavation also exceed the ESL for TPHd and TPHmo. The report recommends additional soil excavation to further reduce concentrations to below residential screening levels.
5. MTBE was detected in one of the ground water grab samples that tested above the ESL and TPHmo wad in detected in one of the ground water grab sample that registered below the ESL. Based on the report, the ground water does not appear to be significantly impacted.
6. The site reportedly discharges wastewater to at least three, possible four on-site septic systems. The report recommends that these septic systems should be removed prior to the property transfer.

IMPACT HAZ 1: The project could potentially expose construction workers and/or the public to soil and groundwater impacted by petroleum hydrocarbons or other chemical constituents, or hazardous building materials including PCBs, lead-based paint, and asbestos.

Mitigation Measure:

The following Transit Area Specific Plan policies and specific development mitigation measures will reduce potential construction-related hazards and hazardous materials impacts of the proposed project to a less than significant level.

MM HAZ-1: TASP Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined; remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination. For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs) and evaluate all potential exposure pathways from contaminated groundwater and soil.

Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings. For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead-based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.

Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.

[Less than Significant]

IX. HYDROLOGY AND WATER QUALITY
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14, 21
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14, 21
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14, 21
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14, 21
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14

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:					
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14

Comment:

The proposed project is not anticipated to generate any negative impacts to hydrology and water quality beyond what was previously analyzed in the TASP EIR. The project site is located within *Zone AO*. Flood Zone AO is defined as areas with flood depths of one to three feet. The map lists the flood depth for the project site at one foot. The flooding hazard in the project area is primarily ponding and overflows of open drainage channels that result in shallow flooding.

The City of Milpitas is a participant in the National Flood Insurance Program (NFIP). As a result, flooding hazards within the City are managed under the requirements of the National Flood Insurance Act of 1986 and the Flood Disaster Protection Act of 1973, as amended. Furthermore, the City’s Floodplain Management Ordinance prohibits new development from redirecting flood flows or substantially increasing the flood depth of any area. New development is required to be constructed at an elevation above the base flood under the existing requirements of the National Flood Insurance Program and the City’s Floodplain Management Ordinance. The project has been designed to will comply with this requirement. Therefore, the proposed project will not expose people or structures to a significant risk of loss, injury, or death involving flooding and will have a less than significant flooding impact.

Upon construction of the proposed improvements, approximately 8.3 acres (66%) of the site will be covered by impervious surface and about 4.2 acres (34%) will be covered by landscaped areas including lawns, shrubs, and trees.

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

IMPACT HYD - 2: Construction will temporarily increase the amount of debris on-site and grading will increase the potential for erosion and for sedimentation that could be carried by runoff into natural waterways, which will increase sedimentation impacts to Penitencia Creek and San Francisco Bay. Construction of the proposed project will increase the amount of runoff and could also increase the associated pollution flowing into the storm drain system. However, Provision C.3. of Santa Clara Valley Urban Runoff Pollution Prevention Program’s (SCVURPPP) Municipal NPDES stormwater permit requires that all new development projects reduce the pollutant load in project site runoff compared to the current site conditions. As a result, Best Management Practices will be incorporated into the project to reduce the runoff pollutant load below current levels.

Mitigation Measures:

The programs and policies of the City of Milpitas General Plan and Transit Area Specific Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City and include the following.

General Plan *Policy 4.d.1.1*: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board.

TASP Policy 5.33: Require construction projects that disturb one or more acres to prepare a Storm Water Pollution Prevention Plan that, when properly implemented would reduce or eliminate impacts on surface water quality.

TASP Policy 5.34: Require construction projects that disturb one or more acres to prepare a Storm Water Control Plan as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System permit for storm water discharge.

MM HYD-1: The source control program for the development will incorporate the following strategies:

- *Education and Outreach.* The storm drain inlets on the project site shall be stenciled “No Dumping – Drains to Bay”. In addition, the future homeowners association will provide an orientation to new homeowners on the projects Stormwater Control Plan, non-point source pollution control measures, and secure their written commitment to participate in the plan where applicable.
- *Storm Drain Inlet Cleaning.* The homeowners association shall perform maintenance on privately owned storm drain inlets, which includes the collection and disposal of build-up materials inside the inlets.
- *Trash Collection Areas.* There shall be a centralized common trash collection area for this site. The runoff from this area will drain into the sanitary sewer system.

MM HYD-2: The treatment control program from the development will incorporate the following:

- *Vegetated Swale.* A vegetated swale shall be located along the western boundary of the site. This swale will be approximately 120 feet long and planted with vegetation. It will be graded to promote infiltration and will treat storm water runoff from the project site. An inlet will be at the low end of the swale to receive surface flows and convey it to the storm drainage system. The swale has been designed to accommodate peak runoff from a 10-year storm event; no bypass system is required.
- *Treatment Control Device.* In areas where storm water will not pass through some sort of surface treatment (i.e., swales) prior to entering the storm drainage system, hydrodynamic devices shall be installed to provide in-line treatment prior to discharge into the City storm drain system. In addition to providing filtration for runoff, these devices will meter storm water runoff so that it enters the storm drainage system at a consistent rate, regardless of the flow rate into the devices. The treatment control devices have been designed to accommodate peak runoff from a 10-year storm event. These devices will be maintained by the homeowners association.

MM HYD-3: The storm water treatment systems listed above will need adequate routine maintenance to function as designed. The homeowners association shall be responsible for the implementation and/or oversight of the monitoring and maintenance program for this project. To ensure proper function, drain inlets and treatment control devices will need to be cleaned a minimum of once a year and inspected a minimum of two times per year.

MM HYD-4: The following measures, based on Regional Water Quality Control Board Best Management Practices, have been included in the project to reduce construction-related and post-construction water quality impacts:

- All unpaved driveways shall be filled with rock to knock mud from truck tires prior to entering City streets. A wash tire system may be employed.
- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

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- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and/or all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- Prior to grading of the project site, the applicant shall file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Storm water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post construction runoff. The following measures would be included in the SWPPP:
 - a. Preclude non-storm water discharges to the storm water system.
 - b. Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - c. Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
 - d. Perform monitoring of discharges to the storm water system.

The subject property is not designated as a recharge site for the groundwater aquifers. The proposed project will result in more impermeable surface area than the existing condition, and will not contribute to the recharging of the groundwater aquifers. Implementation of the project site will not interfere with groundwater flow or expose any aquifers. The water supply for the project site will not be met from the groundwater supply and, as a result, the project will not deplete the existing groundwater supply. With implementation of the proposed mitigations, the proposed project will have a less than significant impact on hydrology and water quality. [**Less Than Significant Impact**]

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

Comment:

The project does not propose any changes to the land use designations to the property. With the approval of the Site Development Permit, Major Tentative Map, and Conditional Use Permit, the use will be consistent with the General Plan and Milpitas Zoning Ordinance. The proposed project would not result in significant, adverse land use impacts beyond what was previously analyzed in the Transit Area Specific Plan EIR. **[No Impact]**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

Comment:

The project entails an urban infill development of a 12.51 acre site consisting of 206-unit residential units and installation of related site improvements. The project does not involve or result in the loss of availability of a known mineral resource or located near mineral resource zone or excavation sites. Therefore, the project would not result in impacts to mineral resources. **[No Impact]**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6, 19
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6, 19
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6, 19
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6, 19
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6, 19
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6, 19

Comment:

The proposed project site is located near the intersection of Montague Expressway and Trade Zone Boulevard. The site is bordered to the south by Trade Zone Boulevard. To the west is a residential development (called "Contour") that has not yet been built. To the north and east are commercial and industrial properties. The major noise sources at the site are the nearby roadways and the industrial areas to the north.

A Noise Study dated March 2013 was prepared by Charles Shalter & Associates. The study calculated noise levels of DNL 59 to 74 dB across the site, meaning that parts of it will be "conditionally acceptable" or "normally unacceptable". The park located at the northwest corner of the project site will be subject to the City's residential outdoor noise level guideline. In this area, the expected noise levels will vary from

DNL 65 to 69 dB, which is considered “normally acceptable”. Therefore, the City’s outdoor noise criterion would be met at this location without any mitigation. However, to meet the indoor noise criterion of DNL 45 dB, it will be necessary for some of the facades to be sound-rated.

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

IMPACT NOS-1: The project exceeds the DNL 45 dbl threshold for indoor noise levels.

IMPACT NOS-2: Construction relative activity may temporarily increase noise levels and potential impact sensitive receptors.

Mitigation Measures:

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

MM NOI-2: Pursuant to the City of Milpitas Municipal Code, no person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 AM to 7:00 PM on weekdays and weekends.

MM NOI-3: The contractor shall be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.

MM NOI-4: The contractor shall be required to use noise barriers or noise control blankets to shield stationary equipment from nearby noise-sensitive receptors.

MM NOI-5: The contractor shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator would respond to **[Less than Significant]**

XIII. POPULATION AND HOUSING					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)

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Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15

Comment:

The project is not anticipated to generate any additional substantial urban growth impacts beyond what was previously analyzed in the TASP EIR. The proposed development of the site with up to 206 residential units would not induce substantial population growth, nor would it displace existing housing or people. The proposed project would create additional residential development and will incrementally improve the jobs/housing balance in the City. Providing housing for more of the City's workers will help to ease overall traffic congestion, commute times, and regional air pollution levels. The population increase from the proposal represents a less than significant impact. Since the project site is not developed, the proposed project will not displace existing housing or people. Implementation of the proposed project would help improve the City's jobs/housing imbalance resulting in a beneficial impact. **[No Impact]**

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:					1, 2, 15
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 15

Comment:

The project will not have an impact on public services considering it is an existing development in an urbanized area within the City of Milpitas. The project site is served by:

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

Fire Station # 1: 777 South Main St.

Fire Station # 2: 1263 Yosemite Dr.

Fire Station # 3: 45 Midwick Dr.

Fire Station # 4: 775 Barber Ln.

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

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

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

Parks: The City of Milpitas has approximately 190 acres of city owned parks and recreational facilities.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15

Comment: Future residents of the proposed project site would use recreational facilities in the area. Given the small size of the project and the existing recreational facilities in the area, the project would not create significant new demand for recreational services or facilities. The proposed project will be dedicated 0.78 acre portion of a new public park as well as provide approximately 170,180 square feet of private and useable open space. The project is not anticipated to significantly impact park facilities because of the following reasons:

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- Parks and recreation facilities planned in the area which includes the portion of parkland to be dedicated as part of this project,
 - Anticipated number of residents generated by the proposed project, and
 - Proposed on-site recreational facilities and open space that are program within the project site.
- [No Impact]**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15, 20
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15, 20
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,20
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

Based on the proposed project, it would generate 92 trips during the AM peak hour and 109 trips during the PM peak hour. A Traffic Impact Analysis was prepared for this project to analyze potential traffic

impacts generated from the proposed project. Based on the analysis, the level of service for existing plus project conditions indicated the following:

- The Trade Zone/Lundy intersection will continue to operate at LOS C in both peak periods, and there will be almost no increase in average delay compared with existing conditions.
- The Trade Zone/Ringwood intersection, the LOS would degrade from A to B in the AM peak hour and from B to C in the PM peak hour and the average delay would increase by 9.4 and 10.3 seconds, respectively. Both of these intersections still will operate well within the acceptable Milpitas standard of LOS D.
- The Trade Zone/Montague intersection already operates at LOS F, and it would continue to operate at LOS F, with an increase in average delay of 20.1 seconds and 8.8 seconds, respectively, for the AM peak hour and PM peak hour. The additional 20 second delay at Trade Zone/Montague intersection in the AM peak would be noticeable, but because it is already functioning so poorly that any additional traffic would not change its performance.

The TIA also evaluated the adequacy of the project driveways with regard to the following: corner sight distance, traffic volume, average delays, vehicle queuing, and truck access. Under Project Conditions, access to the site will be adequate sight distance at both Momentum Drive and new street to ensure that exiting vehicles can see vehicles on Trade Zone Boulevard.

Under project conditions traffic volumes on Momentum Drive and the new street would not generate a significant impact. The proposed new street would have 16 inbound trips and 38 outbound trips during the AM peak hour and 70 inbound trips and 18 outbound trips during the PM peak hour (see Figure 5). At Momentum Drive, it is estimated that the Traverse project would generate zero inbound trips and 38 outbound trips during the AM peak hour and 3 inbound trips and 18 outbound trips during the PM peak hour. Since this driveway will be shared with the neighboring residential project that is currently under construction, the total numbers of trips estimated for Momentum Drive are 2 inbound trips and 43 outbound trips during the AM peak hour and 10 inbound trips and 21 outbound trips during the PM peak hour.

Based on the analysis of the driveway operation, delays would be reasonably short at the Momentum Drive/Trade Zone Boulevard because it will remain as a right turn only. However, the AM and PM peak hour westbound queues on Trade Zone Boulevard often stretch from Montague Expressway past the project site driveways.

The Traverse project will construct a two-way center turn lane on Trade Zone Boulevard that would begin east of the Momentum Drive intersection. This two-way center turn lane should begin far enough east of Momentum Drive so that drivers are not tempted to make an illegal left turn from Momentum Drive into that lane. The new street will be located approximately 540 feet east of the Momentum Drive driveway and will run along the eastern edge of the project site. Left turn access into the site from eastbound Trade Zone Boulevard will be able to use the two-way center turn lane that will be constructed. The report recommends the City of Milpitas paint a "KEEP CLEAR" pavement legend in the westbound direction of Trade Zone Boulevard at the new public street once the Traverse project is constructed. The KEEP CLEAR marking would allow vehicles to enter the site even when there are long queues on westbound Trade Zone Boulevard. The "KEEP CLEAR" pavement legend also would allow vehicles turning left out of the site to pass through the westbound queue and access the center turn lane. The signal at Trade Zone Boulevard and Lundy Avenue will help provide gaps in traffic that will allow vehicles to turn out of the site.

Based on the project, driveway queuing will not be negatively impacted given the project provides sufficient queuing capacity for outbound vehicles on Momentum Drive and the new public street off of Trade Zone Blvd.

The conclusions and recommendation did not warrant any mitigation measures considering the thresholds for traffic impacts were not exceed. However the report recommended operational improvements that included the following:

Traverse Residential Project

- Santa Clara County and Milpitas work together to make adjustments to the operation of the traffic signals after build out of both residential projects. Adjustments to the signal operation should include modifications to signal timing and intersection coordination. These adjustments, such as coordinating green phases on Trade Zone Boulevard at the Trade Zone Boulevard/Montague Expressway and Trade Zone Boulevard/Ringwood Avenue intersections, will allow traffic to flow as efficiently as possible.
- Since there are no viable options to reduce queuing until the expressway is widened and an additional left turn lane is added to Trade Zone at Montague, it is recommended that the City of Milpitas consider the addition of a pavement legend “KEEP CLEAR” in the westbound direction within the Ringwood Avenue/Trade Zone Boulevard intersection to allow room for vehicles from Ringwood to maneuver through the intersection.
- The City of Milpitas should consider adding the pavement legend “KEEP CLEAR” for the westbound lanes of Trade Zone Boulevard at the intersection with Street “C.” This will enable vehicles to make left turns into the site and to make right and left turns out of the site when westbound traffic has formed queues on Trade Zone Boulevard past the project’s driveway.

Furthermore, the project would incorporate the TASP EIR mitigation measures for traffic impacts including but not limit to traffic impact fees and dedication of land for the future widening of Trade Zone Blvd. **[Less than Significant]**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4

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:					
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4

Comment: The project is not anticipated to generate utilities and service system impacts beyond what was previously analyzed for the TASP Program EIR. The following service providers serve the project site:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T
- Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District.
- Recycled water: South Bay Water Recycling Program
- Sewage treatment: Provided by the City of Milpitas and treated at the San Jose /Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas
- Solid waste disposal: Disposal is at the Newby Islands Landfill, operated by BFI
- Cable Television: Comcast

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)

Traverse Residential Project

<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15, 16
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15-21
<p>3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15-21
<p>4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 15-21

Comment:

The proposed development would have potential impacts regarding traffic, air quality, biological resources, geotechnical hazards, hazardous materials, hydrology, and noise impacts associated with proposed project. Mitigation measures have been included in the project to reduce identified project impacts on the natural and human environment to a less than significant level.

SOURCES

General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005.
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010.
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964.
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H, 06085C0080H, 06085C0086H, and 06085C0087H*.
15. Transit Area Specific Plan
16. Transit Area Specific Plan EIR
17. Phase 1/Phase 2 Site Assessment Report, Cornerstone Earth Group
18. Preliminary Geotechnical Report, Cornerstone Earth Group
19. Environmental Noise Study, Charles Shalter & Associated
20. Traffic Impact Assessment, Hexagon Consultants
21. Stormwater Control Plan, CBG Civil Engineers
22. Toxic Air Contaminant Study, Environ
23. Project Plans

Project Related Sources:

- A. Project application and plans.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

