

**Wrigley-Ford Creek Maintenance Project  
Mitigated Negative Declaration**

**City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035**

**January 7, 2011**

*Wrigley, Ford & Wrigley-Ford Creeks Maintenance Project*

**ENVIRONMENTAL CHECKLIST FORM**

**1. Project title: Wrigley-Ford Creek Maintenance Project**

**2. Lead agency name and address:**

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

**3. Contact person and phone number:** Fernando Bravo, (408) 586-3328

**4. Project location:** City of Milpitas

**5. Project sponsor's name and address:** Same as #2

**6. General plan designation:** Manufacturing and Warehousing (MFG)

**7. Zoning:** Heavy Industrial with site and architectural overlay (M2-S)

**8. Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The City of Milpitas proposes to implement a program of flood-control channel maintenance within the Wrigley-Ford Creeks drainage system. The goal of the Project is to maintain conveyance capacity for the 100-year flood event within the bed and banks of the Project reaches. The Project area is located on the northeastern floor of the Santa Clara Valley, in an urbanized setting that supports a mix of land uses including residential, commercial, office space, and the Union Pacific Railroad facilities (Figure 1). The channels are typical of urban drainage areas, with generally straight reaches, trapezoidal cross sections and culverts at road and driveway crossings. The proposed flood control Project reaches includes the following:

- Ford Creek Upstream Reach [1,514 feet (ft)] - extends from the culvert outlet of a large parking lot, downstream to the culvert inlet on the south side of State Route 237 (Hwy 237).
- Ford Creek Downstream Reach (1,550 ft) - extends from the culvert outlet on the north side of Hwy 237, downstream to the confluence of Ford and Wrigley Creeks.
- Wrigley Creek Reach (1,778 ft) – extends from the Hwy 237 crossing, downstream to the confluence of Wrigley and Ford Creeks.
- Wrigley-Ford Creek Reach (2,217 ft)- extends from the confluence of Wrigley and Ford Creeks, downstream to the Wrigley-Ford Pump Station, which is located just upstream of the confluence of Wrigley-Ford Creek and Berryessa Creek.

In summary, the project includes removing 5 trees, trimming trees and removing scrub vegetation on the bottom of the channels. The project also includes cleaning of the culverts. Part of the project includes mitigation, which would include the planting of new trees.

A detailed explanation of the project is below.

### Ford Creek Upstream Reach

**Initial Actions.** The existing willow trees in this reach will be pruned and some trees removed because these trees obstruct flow in this reach to a degree that the predicted 100-year flood event is not contained within the channel (Schaaf & Wheeler 2010). The City's design team has developed a plan that minimizes willow tree impacts while achieving the flood control objectives. The existing willow trees within the bed and banks will be pruned to remove branches to a height of 3 ft above the existing top of bank. Only the existing willow tree trunks that are obstructing flow in the channel bottom (5 trunks out of approximately 17 existing tree trunks) will be mechanically removed, including 4 root wads. The channel bed will then be graded in the vicinity of the root wad removal locations to restore a stable, uniform channel slope (i.e., channel profile). Wetland vegetation within the footprint of grading will be removed.

Channel grading will occur along an approximately 500 linear (ln) ft of channel within and between root wad removal locations and approximately 125 cubic yards (CY) of sediment will be removed.

**Long-term Maintenance of Channel Bed and Banks.** Woody vegetation will be precluded from becoming established throughout this reach. Herbaceous vegetation within the channel bed and channel banks will be kept to a height of less than 1.5 ft during the rainy season. Vegetation maintenance will be accomplished via mowing/weed whacking herbaceous wetland vegetation once per year in Sept-October at the end of the growing season and just prior to the beginning of the rainy season. Herbicide treatment may be used to eradicate woody plant species and nonnative, invasive species. Herbicides must be approved by the Environmental Protection Agency (EPA) for use in aquatic environments.

### Ford Creek Downstream Reach

**Initial Actions.** Sediment will be removed from the two, 4-ft diameter culverts under Hwy 237. This will be accomplished by excavating a small sediment detention basin area (~400 ft<sup>2</sup>) within the channel at the culvert outlets (to the depth of the existing culvert invert). A barrier will be installed to prevent sediment from migrating downstream. Sediment will then be flushed out of the culverts into the retention basin and removed from the retention basin. Approximately 20 cubic yards of sediment will be removed from approximately 35 lineal ft of channel to construct the sediment detention basin.

Wetland impacts will be limited to the removal of tall-emergent wetland vegetation growing in the channel bottom to remove potential obstructions to flow. Tall-emergent wetland plant species to be removed include cattails (*Typha latifolia* and *T. angustifolia*), tules (*Scirpus californicus* and *S. acutus*), and bulrush (*Scirpus robustus*). Both roots and shoots of tall emergent wetland vegetation will be removed from the channel to improve flow conveyance.

**Long-term Maintenance of Channel Bed and Banks.** Sediment will be removed from the Hwy 237 culverts and sediment retention basin as needed to maintain flow capacity. The frequency of sediment removal is not currently known, but is anticipated to be approximately once every five years.

Vegetation maintenance activities on the downstream reach of Ford Creek will be identical to those on the upstream reach of Ford Creek. Woody vegetation will be precluded from becoming established throughout this reach. Herbaceous vegetation within the channel bed and channel banks will be kept to a height of less than 1.5 ft during the rainy season. Vegetation maintenance will be accomplished via mowing/weed whacking herbaceous wetland vegetation once per year in Sept-October at the end of the growing season and just prior to the beginning of the rainy season. Herbicide treatment (with herbicides approved by the EPA for aquatic environments) may be used to eradicate woody plant species and non-native, invasive species.

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### **Wrigley Creek Reach**

**Initial Actions.** A single clump of willows currently obstructing flow will be removed from the east bank of the channel via mechanical methods. The existing culverts crossing under Hwy 237 and the Union Pacific Railroad were recently cleaned under a separate permit by the Santa Clara Valley Transportation Authority (SCVTA).

**Long-term Maintenance of Channel Bed and Banks.** Sediment will be removed from the culverts under Hwy 237 as needed to maintain flow capacity. This will be accomplished by re-excavating a small detention basin area (400 ft<sup>2</sup>) within the channel at the culvert outlets (to the depth of the existing culvert invert), which was recently excavated under a separate permit by the SCVTA. Approximately 100 cubic yards of sediment will be removed from approximately 35 lineal ft of channel to construct the detention basin. This area is currently devoid of wetland habitat. The frequency of sediment removal is not currently known, but is anticipated to be approximately once every five years.

Wetland vegetation will be allowed to persist in the channel bottom. Woody vegetation will be precluded from establishing on the channel banks with the exception of riparian mitigation areas, if installed. If needed for habitat mitigation, riparian plantings will be installed and maintained such that at least 50% of the channel cross-section is free of woody vegetation. Woody vegetation maintenance will be accomplished via a combination of mowing/weed whacking/pruning and herbicide treatment (with herbicides approved by the EPA for use in aquatic environments).

Care will be taken during maintenance work to avoid disturbance to wetland vegetation growing in the channel bottom.

### **Wrigley-Ford Creek Reach**

**Initial Actions.** Sediment will be removed from the four culverts under Railroad Court. This will include the removal of sediment and wetland vegetation for a distance of approximately 15 lineal feet downstream (~ 30 cubic yards of sediment) of the Railroad Court culverts (to the depth of the existing culvert invert) to construct a sediment detention basin to facilitate removal of sediment from the culverts.

The hydrology modeling determined that woody vegetation can be allowed to cover the eastern 50% of the channel cross-section while maintaining the predicted 100-year event within the channel (Schaaf & Wheeler 2010). Willow trees currently grow in patches along the east bank and the canopy of several patches currently extends across the centerline of the channel.

Therefore, up to 0.04 acres (1750 ft<sup>2</sup>) of willow canopy will be pruned/removed in this reach to maintain at least 50% of the channel cross-section free of woody vegetation canopy.

**Long-term Maintenance of Channel Bed and Banks.** Sediment will be periodically removed from the culverts under Railroad Court. This will include the removal of sediment (~ 30 cubic yards) and wetland vegetation for a distance of approximately 15 lineal feet downstream of the Railroad Court culverts to facilitate access for removal of sediment from the culverts. The frequency of sediment removal is not currently known, but is anticipated to be approximately once every five years.

Creek Bottom and Eastern Bank. Herbaceous wetland vegetation is currently abundant within the channel bottom and willow riparian vegetation currently occurs in patches rooted on the eastern creek bank. Wetland vegetation will be allowed to persist on the channel bottom. Woody riparian vegetation will be allowed to continue to grow on the eastern creek bank. Moreover, additional riparian vegetation may be planted on the eastern bank, if needed for habitat mitigation. However, woody vegetation rooted on the

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eastern creek bank will be pruned, as needed, to maintain the western 50% of the channel cross-section free of woody vegetation canopy.

Western Creek Bank. Woody vegetation does not currently occur on the western creek bank and will be precluded from future establishment on the western creek bank. Woody plant seedlings (if found) on the western creek bank will be manually removed or treated with herbicide (approved by the EPA for aquatic environments). Herbaceous vegetation will be kept to a maximum height of 1.5 ft on the western creek bank via mowing/weed whacking.

Care will be taken during maintenance work to avoid disturbance to wetland vegetation growing in the channel bottom.

### **9. Surrounding land uses and setting:** Briefly describe the project's surroundings:

The project site includes Wrigley Creek, Ford Creek and where the creeks merge and create "Wrigley-Ford Creek". The Ford Creek portion of the project commences just south (1/4 mile) of State Route 237 (Calaveras Blvd.) and merges with Wrigley Creek just north (1/4 mile) of SR 237. The Wrigley Creek portion of the project commences where the VTA "Wrigley Creek Improvement Project" (State Clearinghouse # 2009112090) ends approximately just north of SR 237 (east of Ford Creek). To the immediate east of the project are residential dwellings and to the immediate west of the project is a combination of industrial and residential dwellings. See project maps for details.

The downstream terminus of the Project area at the Wrigley-Ford Creek pump station is located just upstream of the confluence of Wrigley-Ford Creek with Berryessa Creek. Berryessa Creek then flows for approximately 0.5 miles in the northwesterly direction to its confluence with Lower Penitencia Creek. Lower Penitencia Creek then flows approximately 1.5 miles to Lower Coyote Creek along the shoreline of the South San Francisco Bay.

### **10. Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.)

Regional Water Quality Control Board, US Army Corps of Engineers, California Department of Fish and Game

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**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 checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" 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 checked="" 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.

Sheldon S. Ah Sing  
Signature

7 JAN 11  
Date

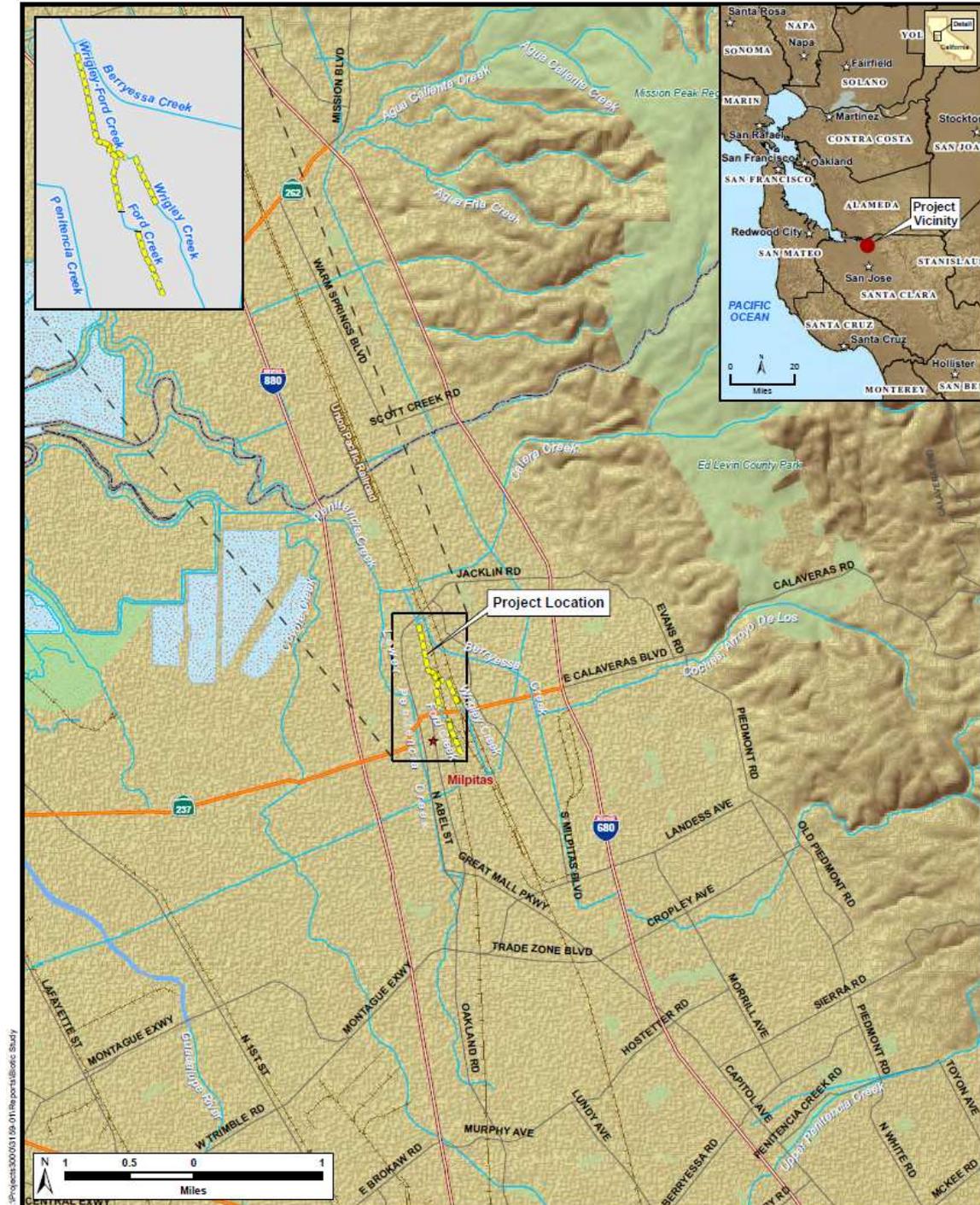
Sheldon S. Ah Sing  
Printed Name

\_\_\_\_\_  
For

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## MAPS

Figure 1: Vicinity Map



 **H. T. HARVEY & ASSOCIATES**  
ECOLOGICAL CONSULTANTS

**Figure 1: Vicinity Map**  
Wrigley, Ford and Wrigley-Ford Creeks Maintenance Project (3159-01)  
December 2010

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Figure 2: Project Map

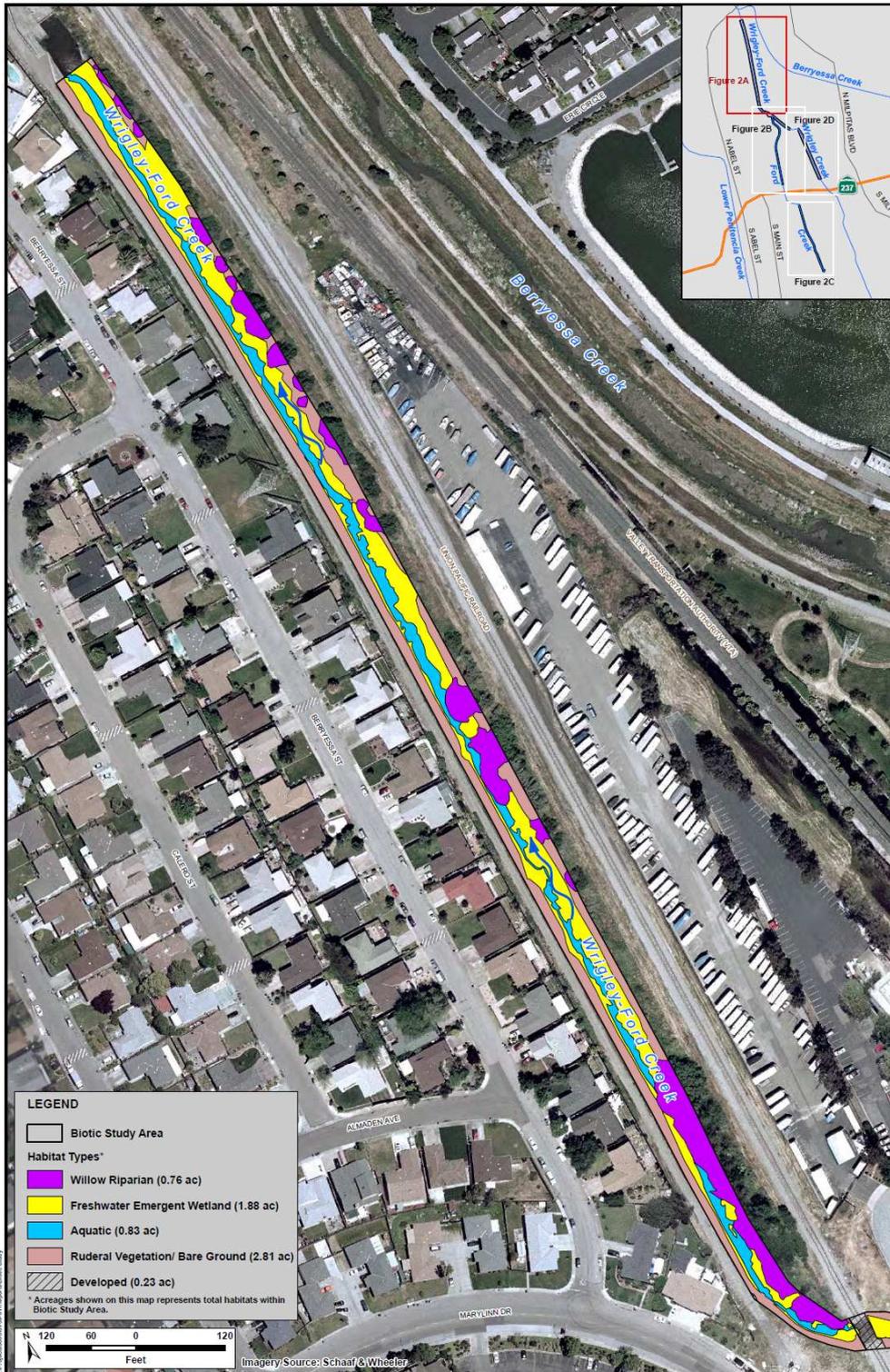


Figure 2A: Wrigley-Ford Creek Habitat Map  
Wrigley, Ford and Wrigley-Ford Creeks Maintenance Project (3159-01)  
December 2010



Wrigley, Ford & Wrigley-Ford Creeks Maintenance Project

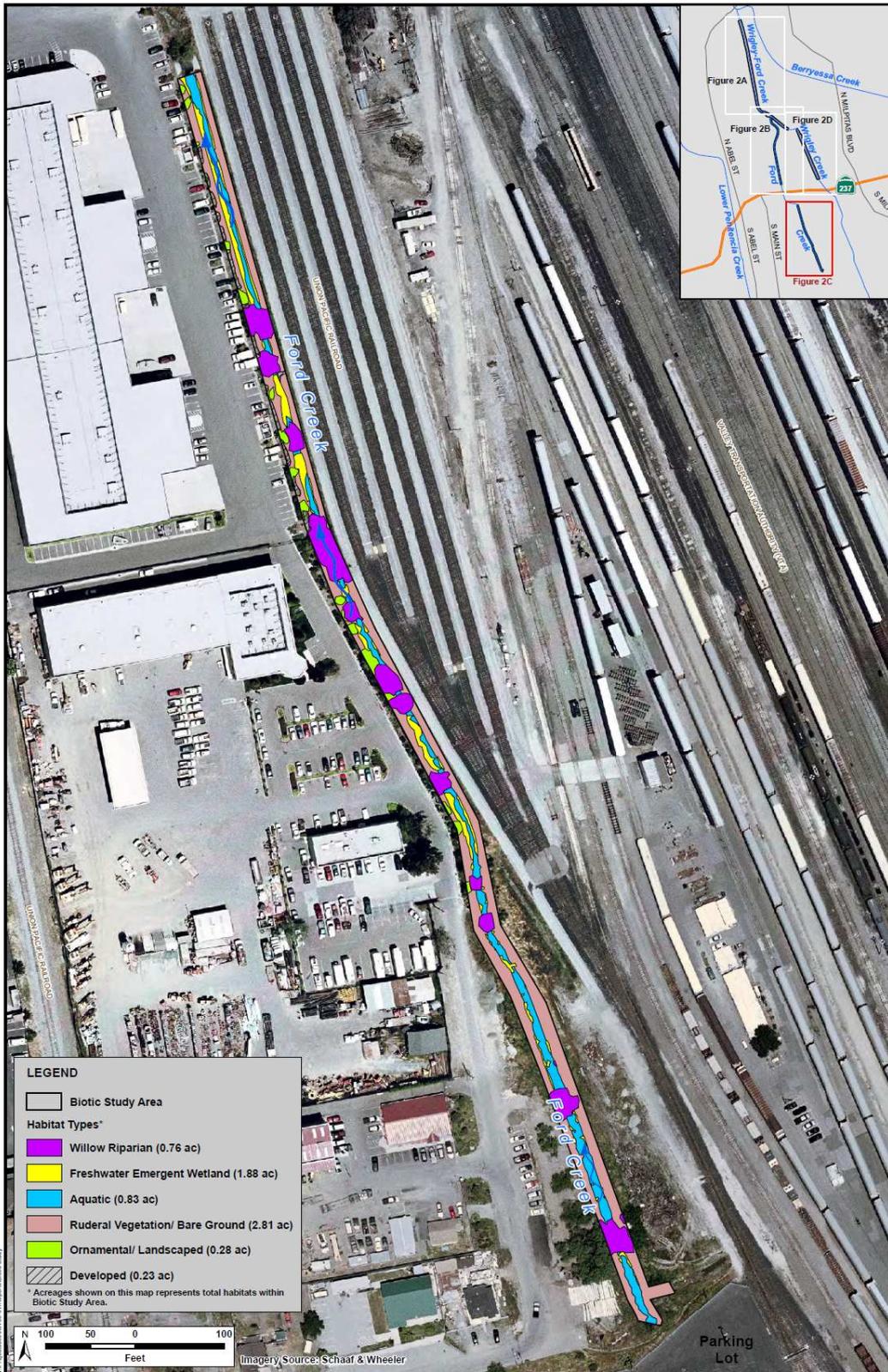


Figure 2C: Ford Creek Habitat Map  
Wrigley, Ford and Wrigley-Ford Creeks Maintenance Project (3159-01)  
December 2010



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Figure 2D: Wrigley Creek Habitat Map  
 Wrigley, Ford and Wrigley-Ford Creeks Maintenance Project (3159-01)  
 December 2010

**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**

<b>I. AESTHETICS</b>					
	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"/>	A
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"/>	A
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"/>	A
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"/>	A

**Environmental setting:**

The project site is located within an industrial area in the center of the City of Milpitas. The project site is bound to the north by Abel Street, to the west by Railroad Avenue and residential dwellings, to the east by residential, commercial and industrial, to the south by industrial development and a trucking transfer parking lot. The Calaveras Boulevard overpass (over the railroad) is located within the vicinity.

**Comment:**

**1) Have a substantial adverse effect on a scenic vista?**

The proposed project would result in no impact as there are no designated scenic vistas (either by the City of Milpitas or another agency) in the vicinity of the project site.

**2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

The proposed project would result in no impact as the project site is not located within or adjacent to a State scenic highway.

**3) Substantially degrade the existing visual character or quality of the site and its surroundings?**

The project site is located in a highly urbanized area in the City of Milpitas. While Calaveras Boulevard / State Route 237 (SR 237) is a designated scenic connector under the *City of Milpitas General Plan*, the visual quality of the project site, located in between commercial/industrial uses and the Santa Clara Valley Transportation Authority (VTA) / Union Pacific Railroad right-of-way, is substantially degraded.

The proposed restoration of Ford Creek, Wrigley Creek and Wrigley-Ford Creek would have no significant impact on the visual character of the project site as viewed from adjacent properties and the

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Calaveras Boulevard / SR 237 overpass. Therefore, project implementation would result in a 'no' or a 'beneficial impact'.

**4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

No lighting or other features that would result in glare are proposed as part of the project. Therefore, the project would have no impact.

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<b>II. AGRICULTURAL AND FOREST RESOURCES</b>					
<p>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.</p>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9, C
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
<p>4) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9

**Comment:**

- 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?**

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Project implementation would result in no impact as the project site is designated *Urban and Built up Land* by the State's Farmland Mapping and Monitoring Program.<sup>1</sup>

**2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No impact would occur as the project site is zoned for a non-agricultural use (i.e., Heavy Industrial) in the City of Milpitas Zoning Ordinance and no Williamson Act contract applies to the project site.

**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)?**

No impact would occur as the project site is zoned for a non-forest land or timberland use (i.e., Heavy Industrial) in the City of Milpitas Zoning Ordinance.

**4) Result in the loss of forest land or conversion of forest land to non-forest use?**

No impact would occur since the project site does not include forest land.

**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?**

The project site is located in a heavily urbanized area and no agricultural uses exist in the vicinity. Therefore, project implementation would result in no impact.

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<sup>1</sup> *Santa Clara County Important Farmland 2008*, Farmland Mapping and Monitoring Program, State of California Department of Conservation. Accessed September 10, 2009 online at <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/sc108.pdf>

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<b>III. AIR QUALITY</b>					
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"/>	10
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"/>	10
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"/>	10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10

**Environmental Setting:**

The project includes the removal and trimming of vegetation (trees and shrubs), the clearing of culverts and planting of new vegetation. Tree removal and channel grading will require the use of hand tools and a backhoe, accessing from the more readily convenient bank. Tree trimming will be performed with hand tools, with small truck access to remove the cuttings. In some areas, tree trimming access will require a cherry-picker on the opposite bank. Culvert cleaning will require a backhoe for outlet cleaning, and a jetter or similar device to clean the pipe interior. Sediment capture BMPs will be installed by hand at the culvert outlets. Riparian and wetland Mitigation planting will be performed using hand tools and a potentially a ditch witch for irrigation pipe installation. Herbicides approved by the Federal Environmental Protection Agency for use in aquatic environments may be applied with backpack sprayers for weed control. Annual maintenance trimming of herbaceous species will be by hand (weed-whacking).

**Comment:**

**1) Conflict with or obstruct implementation of the applicable air quality plan?**

See the answer for (3) below.

**2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

See the answer for (3) below.

**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?**

The Bay Area Air Quality Management District (BAAQMD) has established screening methods to determine whether development projects could exceed significance thresholds for air quality impacts of project operations and therefore require a detailed air quality analysis. Because the project proposes removal and trimming of some vegetation (trees and shrubs), clearing culverts and planting new vegetation, the project will not exceed State or Federal standards. No grading is proposed, so therefore, a less than significant impact is anticipated.

**4) Expose sensitive receptors to substantial pollutant concentrations?**

Short-term construction and long-term operational activities would result in particulate exhaust emissions from diesel equipment. However, due to the distance of existing sensitive receptors from proposed activities and the dispersive qualities of diesel particulate exhaust, this would be a less-than-significant impact.

**5) Create objectionable odors affecting a substantial number of people?**

While project implementation would result in diesel exhaust emissions, it would not create or expose substantial number of people to objectionable odors. This would be a less-than-significant impact.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	B
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B
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"/>	B
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B
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"/>	B

**Comment:**

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- 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?**

No federal or state listed endangered or threatened species are expected to occur in the project area. No special-status plant species are expected to occur in the project area. Implementation of the proposed project will modify the habitat used or likely to be used as foraging habitat, however, the project would not result in a significant impact to special-status animal species including the short-eared owl, northern harrier, white-tailed kite, American peregrine falcon, golden eagle, willow flycatcher, California yellow warbler, and tricolored blackbird. These species use the project area infrequently, and in low numbers, when foraging, and none of these species are known to nest within the project area.

The project reaches of Wrigley-Ford and Wrigley Creeks does provide nesting habitat for up to 2-3 pairs of San Francisco Common Yellowthroats, a California species of special concern. Proposed activities could impact nesting yellowthroats. However, the number of common yellowthroat nests that could potentially be impacted is low, and represents a very small proportion of the regional population of this subspecies. The loss of such small numbers of individuals would not be considered a significant impact under CEQA. Therefore, the project will have little, if any, effect on regional populations of special-status species.

- 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?**

The proposed project will result in permanent loss of approximately 0.22 acres of willow riparian habitat; 0.12 acres along the upstream reach of Ford Creek and 0.06 acres along Wrigley Creek, and 0.04 acres along Wrigley-Ford Creek. The willow riparian habitat that would be lost offers limited value to wildlife due to the narrow, limited nature of the riparian corridor, and the isolation of this habitat by surrounding urbanization. Nonetheless, this habitat is dominated by native red arroyo willow trees and does provide habitat for common, urban-adapted wildlife species. Moreover, willow riparian habitat is a sensitive, regulated habitat. Therefore, the loss of 0.22 acres of willow riparian habitat is considered a significant impact under CEQA and will require mitigation. Implementation of the following mitigation measure will reduce this impact to a less-than significant level:

**Mitigation Measure BR-1. Restore Riparian Habitat.** The loss of approximately 0.22 acres of willow-riparian habitat will be mitigated at a 3:1 ratio (surface area of riparian mitigation: surface area of permanent impacts) via the restoration of riparian habitat. At least 0.66 acres of riparian habitat, dominated by native willow species, coast live oak (*Quercus agrifolia*), and valley oak (*Quercus lobata*), will be restored. All riparian mitigation sites will be preserved in perpetuity. The riparian habitat restoration will be installed preferably during the same year as the impacts from Project construction and not more than one year following the impacts.

H. T. Harvey & Associates' restoration ecologists conducted a preliminary reconnaissance of the Project area to search for riparian mitigation opportunities on City-owned land. Ample riparian mitigation opportunities are available within the project area at one or more of the following City-owned sites:

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- East bank of Wrigley-Ford Creek, downstream of Union Pacific Railroad crossing – restore riparian habitat in the existing gaps in the woody riparian corridor (currently dominated by ruderal habitat) to create a contiguous corridor of riparian habitat.
- East bank of Wrigley Creek, upstream of the VTA/BART line- Convert ruderal habitat and ornamental/landscaped areas to riparian habitat.

A Mitigation and Monitoring Plan (MMP) will be prepared by a qualified restoration ecologist to guide the restoration effort. The MMP will meet the requirements of the CDFG, USACE, and RWQCB and will provide the following:

1. Summary of habitat impacts and proposed mitigation ratios
  2. Goal of the restoration to achieve no net loss of habitat functions and values
  3. Location of mitigation site(s) and description of existing site conditions
  4. Mitigation design:
    - existing and proposed site hydrology
    - grading plan if appropriate, including bank stabilization or other site stabilization features
    - soil amendments and other site preparation elements as appropriate
    - planting plan
    - irrigation and maintenance plan
  5. Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, remedial measures/adaptive management, etc.)
  6. Contingency
- 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?**

The proposed sediment excavation and long-term vegetation maintenance will impact a total of approximately 0.21 acres of in-stream, freshwater wetland habitat. The majority of these impacts are located on Ford Creek (0.20 acres) with a small proportion located within Wrigley-Ford Creek at the Railroad Court culvert outlet (0.01 acres). Sediment excavation will temporarily convert approximately 20% of this impact area (~0.04 acres) from wetlands to open water along the upstream reach of Ford Creek where wetlands are expected to re-establish. However, sediment excavation will permanently convert approximately 20% of the impact area (0.04 acres) from wetlands to open water within the downstream reach of Ford Creek (0.03 acres) and in Wrigley-Ford Creek (0.01 acres). The remainder of the wetland impact area will be subjected to on-going, annual disturbance from weed-whacking/mowing. Wetland habitat is a sensitive, regulated habitat. Therefore, the Project's wetland impact is considered a significant impact under CEQA and will require mitigation. Implementation of the following mitigation measure will reduce this impact to a less-than-significant level.

**Mitigation Measure 2. Restore Wetland Habitat Functions and Values.** Wetland habitat impacts will be mitigated at a level that will ensure no net loss of habitat functions and values. The narrow, limited nature of the wetland habitat and the isolation of this habitat by the surrounding urbanization substantially limit the wildlife habitat value of the wetland habitat onsite. Therefore, wetland impacts will be mitigated at a ratio of 2:1 (mitigation surface area: impact surface area) via a combination of in-kind, freshwater wetland habitat mitigation and out-of-kind riparian habitat restoration within the Project site. In-kind

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wetland mitigation will be provided at a 1:1 mitigation ratio (0.21 acres of wetland mitigation) and out-of-kind riparian mitigation will also be provided at a 1:1 ratio (0.21 acres of riparian mitigation). The habitat mitigation will be installed preferably during the same year as the impacts from Project construction and not more than 1 year following the impacts.

The on-site wetland mitigation will be located within the bed and banks of Ford Creek (both the upstream and downstream reaches) on City-owned lands. The mitigation will involve the preservation of suitable conditions for the persistence of wetland vegetation along the project reaches of Ford Creek. Additionally, native wetland vegetation will be re-vegetated (via seeding and planting) in suitable locations along the upstream reach of Ford Creek after sediment excavation. Within this reach, wetland re-vegetation activities will be located along the excavated channel reach and upstream of the channel excavation zone where water depths will be reduced to depths that are suitable for wetland habitat by the removal of root wad obstructions to flow. The project actions along the upstream reach of Ford Creek will improve the physical conditions that support wetland habitat by increasing light penetration (via riparian tree removal) and decreasing water depths (via removal of obstructions to flow). These improvements are expected to support rapid wetland re-establishment (within 3-5 years) and potentially increase the surficial extent of wetland habitat within the upstream reach of Ford Creek.

The out-of-kind riparian mitigation will entail the restoration of riparian habitat along Wrigley-Ford and/or Wrigley Creeks as summarized above in the “Loss of Riparian Habitat” section.

An MMP will be prepared by a qualified restoration ecologist. A single MMP can be prepared that covers both the riparian (see above section “Loss of Riparian Habitat) and wetland impacts and mitigation. The MMP will meet the requirements of the USACE, RWQCB, and CDFG and will provide the following:

1. Summary of habitat impacts and proposed mitigation ratios
  2. Goal of the restoration to achieve no net loss of habitat functions and values
  3. Location of mitigation site(s) and description of existing site conditions
  4. Mitigation design:
    - existing and proposed site hydrology
    - grading plan if appropriate, including bank stabilization or other site stabilization features
    - soil amendments and other site preparation elements as appropriate
    - planting plan
    - irrigation and maintenance plan
  5. Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, remedial measures/adaptive management)
  6. Contingency plan for mitigation elements that do not meet performance or final success criteria
- 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?**

Project implementation could interfere with movements of native, resident, or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors. However, based on the highly

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disturbed nature of the habitat on site, and the proposed project schedule, this would be a less than significant impact.

**5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The project would result in no impact as implementation would not result in the removal of historic or heritage trees or conflict with any local tree preservation policy or ordinance. Since the project would restore biological and hydrological functions of the creeks, it would not conflict with local policies or ordinances protecting biological resources. Therefore, there is no impact.

**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?**

There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan adopted for the project area. Therefore no impact would occur.

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

**Environmental Setting:**

Within the immediate vicinity of the project site, extensive cultural resources surveys as part of The Santa Clara Valley Transportation Authority (VTA) Freight Railroad / Lower Berryessa Creek Project as well as the Santa Clara Valley Transportation Authority Silicon Valley Rapid Transit Corridor. Technical reports surveying the potential for cultural resources were prepared for both projects as part of their environmental review and are incorporated by reference of the VTA *Wrigley Creek Improvement Project*.

Those studies indicated that no archeological deposits or other cultural resources were identified within the areas surveyed for the VTA’s FRR / LBC project. However, several locations, including a portion of the project site area for the VTA *Wrigley Creek Improvement Project* were identified during the Rapid Transit project as having potential for buried archaeological deposits.

**Comment:**

Checklist items 1-4 are considered together.

- 1) **Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?**
- 2) **Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?**
- 3) **Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?**
- 4) **Disturb any human remains, including those interred outside of formal cemeteries?**

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The project does not contemplate any grading or earthwork, so while no discernable impacts to cultural resources, including historical, archeological, and paleontological resources and / or human remains, are anticipated, the possibility cannot be precluded that such resources are present below the ground surface and could be damaged during proposed construction activities. This would be a less-than-significant impact with the following mitigation:

**Mitigation Measure Cultural Resources - MMCR-1 (Disturbance of Subsurface Cultural Resources during Project Construction.)** If subsurface cultural resources deposits are encountered during construction, work in the immediate vicinity should be halted until a qualified archaeologist can assess the significance of the finds. The construction contract will include the following specifications regarding archaeological resources:

Should any archaeological or historical artifacts or skeletal material be discovered or unearthed during construction activities, all work within ten meters (32.808 feet) of the find shall be halted. The Contractor (Subcontractor or Engineer or Inspector as appropriate) shall immediately notify the City's project manager, at (408) 586-3328, who will initiate procedures in accordance with State Law (California Public Resources Code, Section 5097.98 and Health and Safety Code, Section 7050.5). Construction activities within ten meters (32.808 feet) of the find shall remain halted until authorization is obtained from the City's named and designated agent that construction in the vicinity of the find may recommence.

<b>VI. GEOLOGY AND SOILS</b>					
	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:					5
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12
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"/>	12

**Comment:**

- 1) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - a) **Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other**

**substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)**

- b) Strong seismic ground shaking?**
- c) Seismic-related ground failure, including liquefaction?**
- d) Landslides?**

For geologic hazards described in items 1 (a-d), the proposed project would not result in the development of any structures or human uses (other than routine maintenance activities) that would expose people to substantial adverse effects, including the risk of loss, injury or death. Therefore no impact is anticipated.

**2) Result in substantial soil erosion or the loss of topsoil?**

Removal of some vegetation obstructions would result in natural sediments to disburse in a pattern different than currently exists. Over time, sediment would build up in a natural way. Therefore, this temporary effect is a less than significant impact.

**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?**

The proposed project would not result in the construction of any structures that would be subject to these geological hazards nor cause the project site to become unstable. No impact would occur.

**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?**

The project would not expose property or people to substantial risks associated with expansive soils. No impact would occur.

**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?**

Project implementation would not result in the use of septic tanks or alternative waste water disposal systems. No impact would occur.

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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"/>	10
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"/>	10

**Discussion:**

The project proposes maintenance of creeks by trimming and removal some vegetation (trees and scrub); clearing culverts and planting new vegetation. No grading is proposed.

**Comment:**

**1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Based on BAAQMD screening, the project does not have the potential to have a significant impact on the environment based on CO2 emissions.

**2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

The project is consistent with air quality plans and therefore it is anticipated that no impact will occur.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	5
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
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 checked="" type="checkbox"/>	<input type="checkbox"/>	5
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	C
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"/>	5
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"/>	5
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"/>	5

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: 8) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5

**Comment:**

**1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Hazardous materials typically associated with construction and maintenance operations include petroleum products such as diesel fuel, gasoline, brake fluid, hydraulic oil, pesticides, and herbicides. Release of construction-related hazardous materials could affect Wrigley-Ford Creek and downstream waters. This would be a less-than-significant impact with implementation of a required Stormwater Pollution Prevention Program.

**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?**

Identified subsurface utilities on or adjacent to the Wrigley Creek and Wrigley-Ford Creek project sites include underground pipelines and cables parallel with the creeks and rail lines. While there is a remote potential for accident (i.e., rupture and fire / explosion) during ground-disturbing activities, the pipelines/cables are well delineated and located outside the limits of the work. All required precautions have been incorporated into the proposed design and would be observed during project construction. Future leaks of the pipeline would not expose people to hazardous materials as no occupied structures are proposed as part of the project.

Existing railroad operations would not pose any additional risk to humans as site access would be restricted to maintenance or other workers with appropriate training to perform their duties adjacent to the Union Pacific Railroad right-of-way. Therefore, there is a less than significant impact.

**3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

The Elan Esprit preschool is located just under one-quarter mile from the project site to the west of the site's northern boundary. Diesel emissions, a toxic air contaminant would be generated during short-term construction activities and would not pose a substantial hazard to multifamily residences located closer to the site due to dispersive nature of diesel exhaust. Long-term operation and maintenance activities such as the application of pesticides would result in a less-than-significant impact to sensitive receptors given the relatively small amounts and frequency that they would be applied.

- 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?**

The project area is not located on a site pursuant to Government Code Section 65962.5 (e.g., State Department of Toxic Substance Control 'Cortese List') and, as a result, would not create a substantial hazard to the public or the environment.<sup>2</sup> Identified sites in the vicinity of the project would not be disturbed by proposed construction activities. No impact would occur.

- 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?**

The project area is not located within two miles of an airport land use plan or a public airport, or in the vicinity of private airport. San Jose International Airport is located approximately five miles southwest of the project site. Given the distance from these airports and that the project would not result in any new occupied structures, no impact would occur.

- 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?**

See response to item 5). No impact would occur.

- 7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

The proposed project would have no effect on any adopted emergency response or evacuation plans and proposes no new uses for which emergency services would be required. No impact would occur.

- 8) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?**

The project site is in a highly urbanized area relatively far from wild lands with high potential for fires. There are residences immediately adjacent to the project site, westerly of Wrigley-Ford Creek and no new structures would be placed onsite. Restoration activities would likely improve on-site conditions and lower the potential for fire by removing weeds and trash consistent with the City's weed abatement program.<sup>3</sup>

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<sup>2</sup> Envirostar Database, California Department of Toxic Substances Control. Accessed September 23, 2009 online at <http://www.envirostor.dtsc.ca.gov>

<sup>3</sup> Section 5.3 Fire Safety, Seismic and Safety Element, City of Milpitas General Plan, City of Milpitas, Updated 2002.

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IX. HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A
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"/>	A
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 checked="" type="checkbox"/>	<input type="checkbox"/>	A
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"/>	A
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"/>	A
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A
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"/>	14, C

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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:					
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"/>	14, C
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"/>	14, C
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, C

**Comment:**

**1) Violate any water quality standards or waste discharge requirements?**

Construction activities would generate pollutants that could degrade water quality in Wrigley Creek and receiving waters. This would be a less-than-significant impact with implementation of a required Stormwater Pollution Prevention Program. Sediment capture and removal BMPs will be required at each site.

**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)?**

The project will not change the geometry or topography of the creek channel and therefore it is not anticipated that groundwater recharge will be affected. Therefore, there is no impact.

**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?**

Implementation of the project will result in an increase in flow capacity of the channel; however, no substantial increase in sediment load over the existing conditions is expected. Therefore, the impact is less than significant.

**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?**

The removal of vegetation obstructions would result in improvements to the channel's hydrologic and geomorphic functions. The project is intended to reduce flooding impacts to adjacent properties.

**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?**

The proposed project would improve hydrologic and geomorphic functions of Wrigley-Ford Creek. Project implementation would therefore result in beneficial impacts related to flooding and water quality.

**6) Otherwise substantially degrade water quality?**

Once constructed, the proposed project would not result in any discharges that might violate water quality standards or require the RWQCB to establish waste discharge requirements. Thus, no impacts are anticipated.

**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?**

The proposed project would not place housing within a 100-year flood hazard area, as the proposed project does not include construction of any structures.

**8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

The proposed project would not result in the placement of structures within a 100-year flood hazard area that would impede or redirect flood flows.

**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?**

The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding. The proposed project includes improvements that would either improve flooding conditions or maintain existing conditions. In addition, the reach of the stream channel does not include any dams or levees which could expose people or structures to a significant risk or loss, injury or death due to failure. The Association of Bay Area Governments (ABAG) dam failure inundation hazard map for Milpitas indicates that the project area is not located within a dam failure inundation area.<sup>4</sup> The Santa Clara County Geologic Hazard Zones mapping also indicates that the project area is not located within a dike failure hazard zone.<sup>5</sup> No impact would occur.

**10) Be subject to inundation by seiche, tsunami, or mudflow?**

The project site is not located near the open ocean or any sizeable water body which could generate a seiche or tsunami. As the project area is located on relatively level terrain and is surrounded primarily by urban development, there is no potential for the project site to be inundated by a mudflow. The Santa Clara County Geologic Hazard Zones map also indicates that the project area is not located within a landslide hazard zone.<sup>6</sup> No impact would occur.

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<sup>4</sup> *Dam Failure Inundation Hazard Map for NW San Jose/Milpitas/Santa Clara*, Association of Bay Area Governments, 1995.

<sup>5</sup> *Santa Clara County Geologic Hazard Zones*, County of Santa Clara, 2002.

<sup>6</sup> *Santa Clara County Geologic Hazard Zones*, County of Santa Clara, 2002.

<b>X. LAND USE</b>					
	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"/>	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"/>	2, 8
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"/>	2

**Comment:**

**1) Physically divide an established community?**

Project implementation would not divide an established community as it is a restoration of an existing creek. No impact would occur.

**2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

As the project would restore and enhance the biologic, hydrologic, geomorphic, and aesthetic conditions of Wrigley-Ford Creek, it would not conflict with the goals and policies of applicable plans (e.g., *City of Milpitas General Plan*) adopted for the purpose of avoiding or mitigating an environmental effect. Inconsistencies with such plans would only result in a significant impact if a substantial adverse physical effect would occur. While the project could result in short-term construction-related impacts, such impacts would be less-than-significant with incorporation of mitigation as necessary. Therefore, no impact would occur related to conflicts with adopted plans.

**3) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan adopted for the project area. Therefore, no impact would occur.

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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"/>	
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"/>	

**Comment:**

- a) 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?**

The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state as no known mineral resources exist at the site. The project site is an existing creek in a highly urbanized area and not suitable for mineral resource extraction. No impact would occur.

- b) 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?**

The project site is an existing creek in a highly urbanized area and is not delineated as a mineral resource recovery site on a local general plan, specific plan, or other land use plan. No impact would occur.

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<b>XII. NOISE</b>					
	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, C
2) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, C
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 checked="" type="checkbox"/>	<input type="checkbox"/>	6
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"/>	6
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"/>	6
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"/>	6

**Environmental Setting:**

The project site is located in the City of Milpitas, in the vicinity of Calaveras Boulevard/State Route 237 (SR 237), east of Railroad Avenue, east of the Union Pacific Railroad mainline (UPRR) and easterly of Berryessa Street. The nearest existing noise-sensitive land uses in the vicinity include the Macedonia Missionary Baptist Church approximately 1,000 feet west of the project site across the UPRR mainline,

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an apartment complex located 50 feet east of the project site and single-family homes 60 feet west of Wrigley-Ford Creek along Berryessa Street.<sup>7</sup>

Noise levels from on-site heavy-construction equipment would exceed standards set by the City of Milpitas. However, the City's noise regulations provide exceptions for construction noise, allowing construction activities to exceed applicable noise standards when construction takes place during less noise-sensitive daytime hours (i.e., between 7:00 AM and 7:00 PM. Project construction hours would occur from 7:00 AM to 7:00 PM Monday through Friday, except holidays, consistent with City of Milpitas requirements.

### **Comment:**

#### **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?**

In the short term, temporary construction activities could result in annoyance and/or sleep disruption to occupants of the nearby existing noise-sensitive land uses and / or create a substantial temporary increase in ambient noise levels in the project vicinity. This would be a less-than-significant impact with mitigation incorporation. In the long-term, temporary operational activities (e.g., sediment removal and vegetation maintenance) would result in noise levels that would not exceed the City of Milpitas' noise standard of 60 dBA CNEL for single-family residential and 65 dBA CNEL for multi-family residential areas. This would result in a less than significant impact.

**Mitigation Measure Noise-1 (MM-N1)** In addition to adherence of provisions set forth in the City of Milpitas Municipal Code (discussed above), the project sponsor shall mitigate construction noise impacts by implementing the following measures:

- Properly maintain construction equipment and equip with appropriate noise control features, such as mufflers, in accordance with manufacturers' specifications;
- Locate temporary stationary noise generating equipment as far as possible from identified sensitive receptors;
- Utilize "quiet" air compressors and other temporary stationary noise sources (e.g., generators) where technology exists;
- Radios shall be controlled so as not to be audible outside the project site; and
- Designate a "Disturbance Coordinator" responsible for responding to any complaints about construction noise from neighboring properties. The disturbance coordinator will determine the cause of the noise complaint (e.g., non-compliance with permitted construction hours) and implement reasonable measures to correct the problem. The project sponsor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**Responsibility and Monitoring** The City of Milpitas would be responsible to ensure that the above mitigation measures would be implemented during project construction. In addition, the City would be responsible for designating a Disturbance Coordinator to monitor complaints and correct problems.

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<sup>7</sup> Noise-sensitive land uses generally include those uses where exposure would result in adverse effects (e.g., sleep disturbance, annoyance), as well as uses where quiet is an essential element of their intended purpose. Residences are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other sensitive land uses include hospitals, convalescent facilities, parks, hotels, churches, libraries, and other uses where low interior noise levels are essential.

**2) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?**

Construction activities could result in varying degrees of temporary ground borne vibration, depending on the specific construction equipment used and operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. It is expected that construction equipment would include a backhoe, excavator, and trucks, which typically result in levels of ground borne vibration at 25 feet from the process that can exceed the applicable threshold of annoyance (80 VdB). However, because the nearest residential structures would be located approximately 60 feet from the construction site at the nearest point, and ground borne vibration dissipates rapidly with distance, vibration levels would not surpass the 80-VdB threshold at these nearby residential structures. Construction activities would result in ground borne vibration that would not exceed recommended State or Federal standards. This would be a less-than-significant impact.

**3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

While project implementation would result in periodic maintenance activities, it would not result in any new permanent stationary or mobile noise sources. This would be a less-than-significant impact.

**4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

As described in 1) above, long-term operation of the proposed project would not include any new stationary or mobile noise sources. In addition, as discussed in 1) above, while maintenance activities would be an intermittent source of noise, they would not exceed applicable standards. As a result, no substantial permanent increase in ambient noise levels would occur. Accordingly, this would be a less-than-significant impact and no mitigation would be required.

**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?**

**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?**

For items 5) and 6), the project area is not located within two miles of an airport land use plan or a public airport, or in the vicinity of private airport. San Jose International Airport is located approximately five miles southwest of the project site. Given the distance from these airports and the fact that the project would not include the development of any noise-sensitive receptors, the project would not expose people residing or working on the project site to excessive noise levels. No impact would occur.

<b>XIII. POPULATION AND HOUSING</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7
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"/>	7
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"/>	7

**Comment:**

**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)?**

The proposed project would not result in the construction of new homes or businesses. Improved infrastructure (i.e., floodwater conveyance and culverts) would not reasonably be expected to induce population growth by removing barriers to new development. No impact would occur.

**2) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?**

The proposed project would not displace any existing homes. No impact would occur.

**3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The proposed project would not displace persons or necessitate the construction of replacement housing. No impact would occur.

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XIV. PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Comment:**

- 1) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

The proposed project would not create any new structures and uses or add additional population that would require schools, park, or other public facilities. Therefore, there is no impact.

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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"/>	4
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"/>	4

**Comment:**

**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?**

The proposed project would have no impact associated with increasing use of existing parks. Therefore, there is no impact.

**2) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

The project sponsor proposes no new recreational facilities as part of the project. The restored creek would be an environmentally sensitive area with no public access. Therefore, no impacts are anticipated.

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<b>XVI. TRANSPORTATION/TRAFFIC</b>					
	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 checked="" type="checkbox"/>	<input type="checkbox"/>	3
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 checked="" type="checkbox"/>	<input type="checkbox"/>	3
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"/>	3
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
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"/>	3

**Comment:**

- 1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

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**2) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

For items 1) and 2), short-term construction traffic and intermittent vehicle trips generated by long-term project maintenance activities would not result in a substantial increase in the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections nor exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. This would be a less-than significant impact.

**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?**

Project implementation would not result in any changes to existing air traffic patterns or create a hazardous condition. No impact would occur.

**4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Project implementation would not create hazardous conditions as no changes to the existing street network or incompatible uses are proposed. No impact would occur.

**5) Result in inadequate emergency access?**

The proposed project would have no effect on existing emergency access and proposes no new uses for which police or fire protection would be required. As a result, the project should not adversely affect emergency response times, performance objectives, or service ratios for the City of Milpitas Police and Fire Departments. No impact would occur.

**6) Result in inadequate parking capacity?**

The proposed project would not generate any new demand for parking or reduce the exiting parking supply in the vicinity. No impact would occur.

**7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Proposed construction and restoration activities would not result in any changes to the existing street network or conflict with adopted plans and policies supporting alternative transportation. No impact would occur.

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

**Comment:**

**1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

No impact would occur as the proposed project would not result in any structures or uses that generate wastewater.

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- 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?**

As stated above, since the project would not generate wastewater it would not require or result in the construction of new water or wastewater treatment facilities. No impact would occur.

- 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?**

The project would result in the improvement and repair of existing culverts and outfalls. Construction related impacts to hydrology, water quality, and biological resources would be less than significant with mitigation incorporation and are discussed in their respective sections.

- 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Irrigation water for proposed maintenance activities would not require new or expanded entitlements to serve the project.

- 5) Result in a determination by the wastewater treatment provider that 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?**

See items 1) and 2). No impact would occur.

- 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Operation of the proposed project would not generate solid waste. No impact would occur to area landfills.

- 7) Comply with federal, State, and local statutes and regulations related to solid waste?**

See item 6). The project would not conflict with local statutes and regulations related to solid waste. No impact would occur.

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

**Comment:**

- 1) Does the project have the potential to substantially 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 an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

As discussed in **Biological Resources**, the project would not result in any of the effects listed in item 1). The project intends to restore and enhance biological, hydrological, and geomorphic functions of Wrigley-Ford Creek, a degraded urban drainage. Restoration activities would remove and replace non-native plant species with natives.

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As no historic or subsurface cultural resources are known occur on site and the likelihood of discovering such resources is believed to be low, the project is not anticipated to eliminate important examples of the major periods of California history or prehistory. **Cultural Resources** section provides a detailed description of cultural resources analysis to date.

- 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.)**

The respective sections above discuss cumulative effects for topical areas for which adverse changes would occur, generally from short-term construction activities. Such impacts would be less than significant with mitigation incorporation. The project’s contribution to cumulative impacts to air quality, noise, water quality and hydrology, and biological resources would be less than cumulatively considerable.

- 3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

The project’s scope in the short term will benefit the environment in the long run with the additional trees and maintenance of the creeks.

- 4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

All identified construction related-impacts (e.g., construction noise and diesel exhaust) were determined to be less-than-significant impacts or less than significant with mitigation incorporation.

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**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 Final Environmental Impact Report, June 2008.

**Project Related Sources:**

- A. Project application and plans.
- B. Wrigley, Ford, Wrigley-Ford Creeks Maintenance Project Biotic Study, December 2010 by HT Harvey
- C. Associated references by footnote in discussion sections.

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.