

**Appendix G**

**ENVIRONMENTAL CHECKLIST FORM**

**1. Project title:** Conditional Use Permit No. UP10-0006 and Environmental Assessment No. EA10-0002, Bintang Badminton Facility

**2. Lead agency name and address:** City of Milpitas, 455 E. Calaveras Blvd. Milpitas, CA 95035

**3. Contact person and phone number:** Cindy Hom, (408) 586-3284

**4. Project location:** 746 S. Milpitas Blvd. Milpitas, CA 95035 (APN 86-30-063)

**5. Project sponsor's name and address:** Phu Khuu, Bintang Badminton Academy, 1375 Geneva Drive, Sunnyvale, CA 94089

**6. General plan designation:** Manufacturing and Warehousing.

**7. Zoning:** Heavy Industrial with Site and Architectural Overlay (M2-S).

**8. Description of project:** The project proposes to convert an existing vacant 35,930 square foot industrial warehouse space into an indoor badminton facility that consist of 23 badminton courts and approximately 2,838 square feet of ancillary space and support areas (lobby/waiting areas, storage, men's and women's locker facilities). The facility would operate seven days a week between the hours of 9:00AM to 11:00PM. The project also proposes minor site modifications consisting only of parking restriping to add 28 additional parking stalls.

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

The project is sited within the valley floor on a 6.25 acre parcel improved with an existing 143,812 square foot multi-tenant industrial building, mature landscaping, and surface parking. The project site is located on the southeast corner of the intersection at S. Milpitas Boulevard and Yosemite Drive. The site is bounded by Yosemite Drive to the north, S. Milpitas Boulevard to the west, Union Pacific railway on the east, and industrial buildings to the south. The site is zoned Heavy Industrial and surrounded by industrial uses.

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
For

MAPS

Figure 1: Regional Map

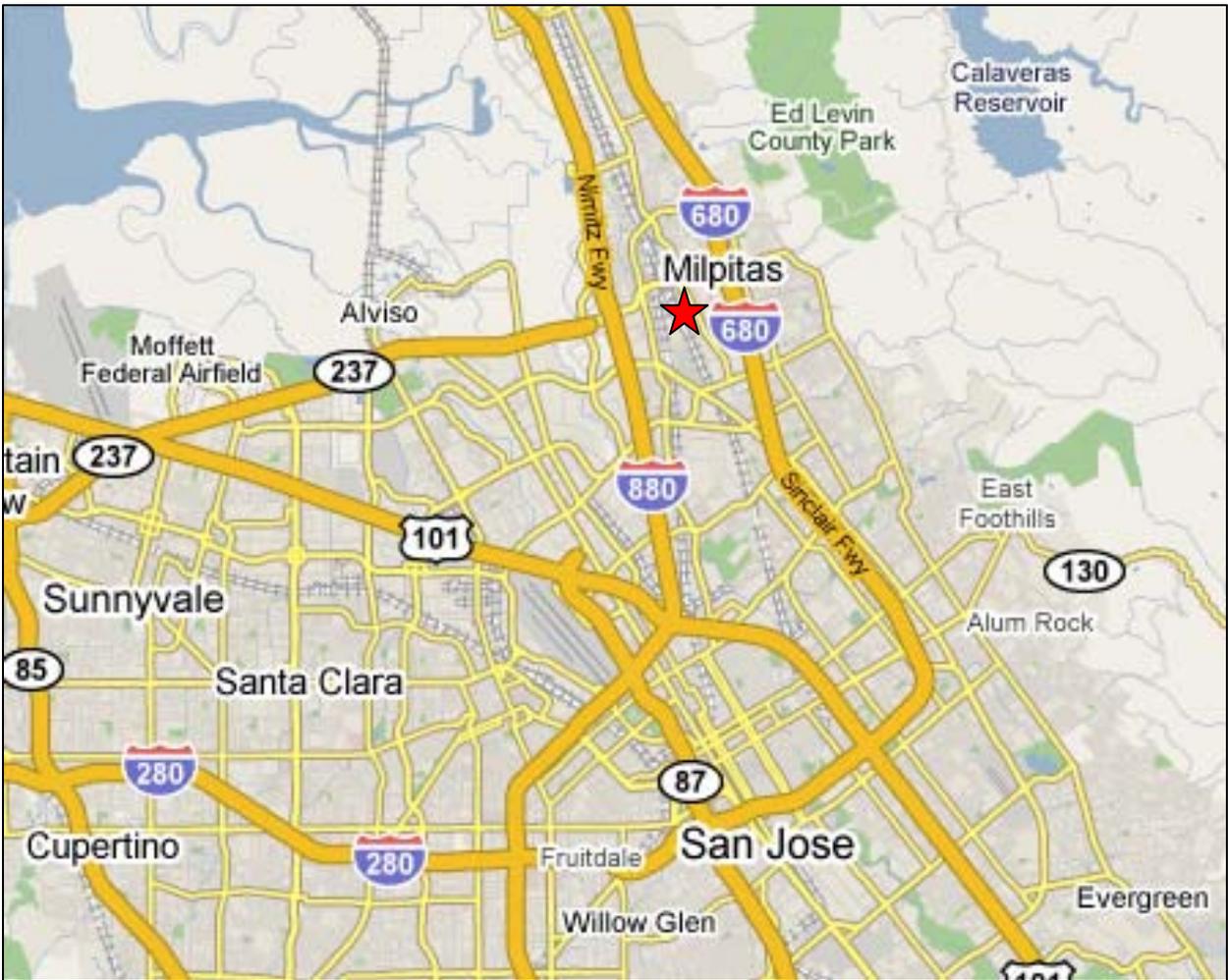
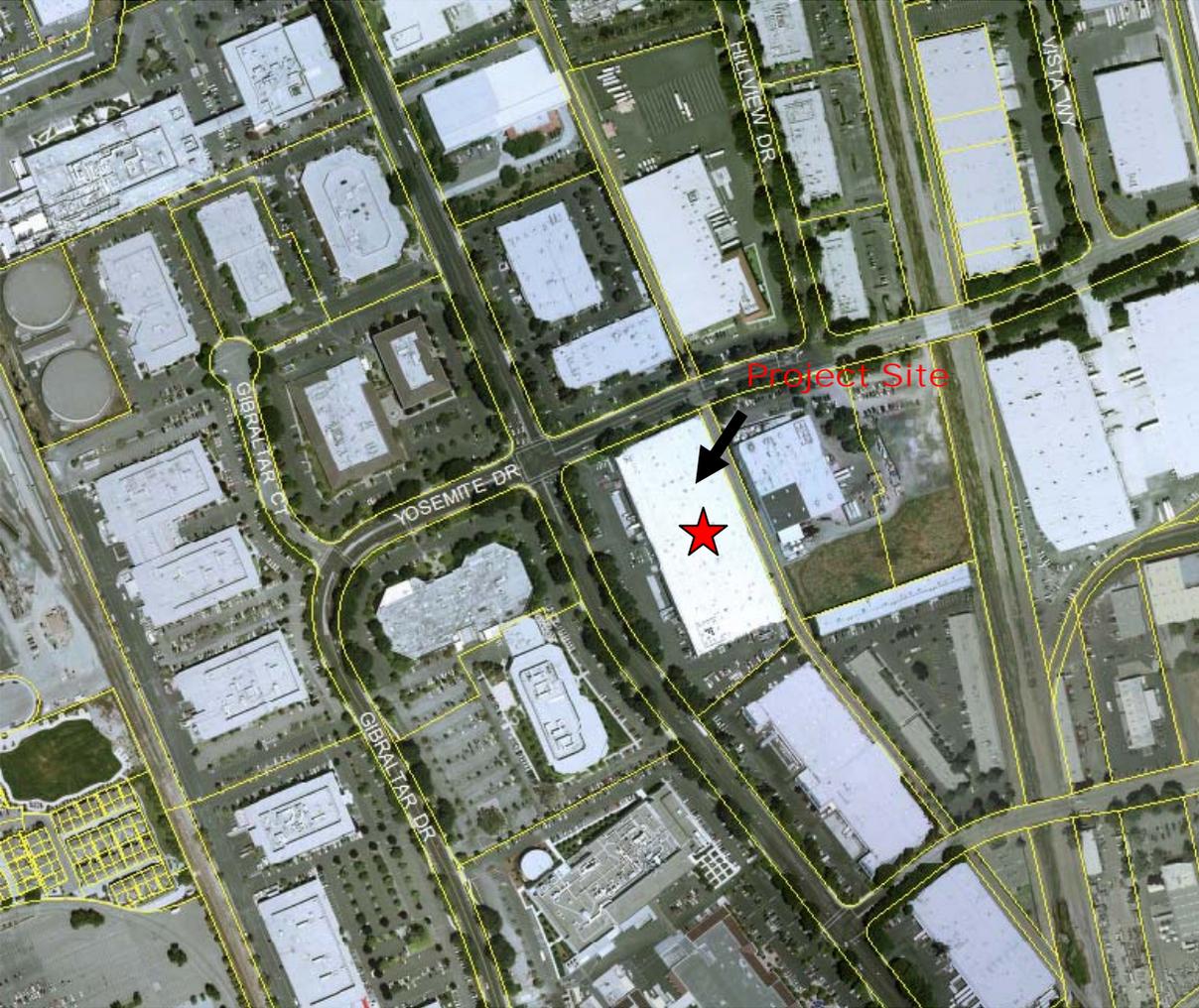


Figure 2: Vicinity Map



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

**Comment:**

The project will not substantially impact any scenic vistas, damage scenic resources, degrade the existing visual quality or create a new source of substantial light or glare because the project site is located on the valley floor and is not on or near any designated scenic corridors, scenic resources, and/or scenic highways. The project does not propose any exterior building or site modifications that would affect the visual character of the building, damage existing landscaping, or add new lighting. **[No Impact]**

<b>II. AGRICULTURAL AND FOREST RESOURCES</b>					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
4) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 9, 12

**Comment:** The project site is located in an urbanized industrial area. The project site is not currently used for agricultural purposes and is not zoned or designated as farmland of any type or would conflict with a Williamson Act Contract. **[No Impact]**

<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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 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"/>	1, 10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10

**Comment:**

The proposed project is for the operation of an indoor badminton facility that includes 23-badminton courts, office/lobby area, lounge area, and storage areas. The proposed operations of the commercial athletic facility will not conflict with any applicable air quality plan, violate any air quality standards, expose sensitive receptors to substantial air pollutant concentrations or create objectionable odors.

The Bay Area Air Quality Management District (BAAQMD) has adopted a threshold of 54lbs/day for the air pollutants that include: carbon monoxide (CO), nitrogen oxides (NOx), and reactive organic gas (ROG) as the threshold for projects that would substantial contribute to air quality violations. According the BAAQMD, projects that do not exceed 2,000 vehicle trips would not exceed this threshold. The project is anticipated to add 488 new daily trips but would only add 35 new AM peak hour trips and 76 PM peak hour trips which would not result in a cumulatively considerable net increase for any criteria pollutants. **[Less than Significant Impact]**

<b>IV. BIOLOGICAL RESOURCES</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, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

**Comment:**

The project proposes minor interior improvements to allow for operations of an indoor badminton facility within an existing industrial building and therefore will not result in any substantial effects on sensitive or protected species, is not located near any riparian habitat, sensitive natural community, or federally protected wetlands, nor would the project interfere with the movement of any native resident or migratory fish or wildlife species, or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance since no trees are to proposed for removal. The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **[No Impact]**

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

**Comment:**

The project does not involve any demolition or excavation activities or contain any significant cultural or historical resources. Therefore, the project is not unlikely to result in any significant effects on cultural or historic resources given that this is an existing development and the site does not any exterior or site improvements. **[No impact]**

VI. GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					1, 5, 13
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 13
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 13

**Comment:**

The project area is located on the Valley Floor, in a mapped liquefaction hazard zone with soils that have a moderate potential for expansion. The project site is not located within a fault rupture zone or landslide hazard zone. The project area is located in a seismically active region and could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. However, the proposed project entail the operation of a badminton facility within an existing industrial building and would not result in any geological, geotechnical, or

seismicity impacts that cannot be avoided through standard engineering and construction techniques.

**[No Impact]**

<b>VII. GREENHOUSE GAS EMISSIONS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 10

**Comment:**

The proposed project would not make a cumulatively considerable contribution to global climate change beyond existing conditions. The site is currently used for offices, industrial, and commercial uses. The project location is within an established urban area served by existing infrastructure would not impede the state’s ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32.

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16

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:					
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"/>	16
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 16

**Comment:**

The project includes a conditional use permit to allow for the operations of an indoor badminton facility and does not involve the transport, storage, use, or generate toxic or hazardous materials. The project is not located within an airport land use plan, public airport, private airstrip or wildlands.

HAZ Impact 1-The project site is located within the Heavy Industrial zoning district which include various businesses that transport, store and utilize various hazardous materials. The proposed project will introduce a sensitive population (young children and elderly adults) to potential exposure of hazardous materials upon an accidental exposure event. Based on the Risk Assessment dated June 7, 2010 prepared by Enviro Safetech for this project, the assessment

identified the following chemicals of concern that can be accidentally released in event of a catastrophe:

- Boron Trichloride
- Chlorine
- Ammonia
- Dichlorosilane
- Hydrogen Bromide
- Hydrogen Chloride
- Phosphine
- Arsine
- Diborane

The Risk Assessment determined potential impacts from these off-site risks can be reduced to a less than significant level by installation and maintenance of a airborne chemical monitoring, detection and response system and implementation of an Emergency Action Plan (EAP) as described further in the below mitigation measures:

- HAZ MM1 - Prior to building permit issuance, the tenant improvement plans shall indicate an airborne chemical monitoring system (sensors), with detection and response/notification capabilities that shall be designed and installed by the applicant. The sensors shall be specific for the gases identified in the Risk Assessment as having the potential of impacting the site (Boron Trichloride, Chlorine, Ammonia, Dichlorosilane, Hydrogen Bromide, and Hydrogen Chloride). Notification shall alert Fire dispatch of an alarm and also provide in-place communication, both inside and outside of the building, to alert occupants of an emergency, via pre-recorded message, and shall direct them on emergency procedures to follow. As part of the monitoring system, building ventilation shall have manual and automatic shutoff capabilities with the control device located per Fire Department direction.
- HAZ MM2 - Prior to building permit issuance, the tenant improvement plans shall indicate the location of a windsock or other approved wind/weather-monitoring device on site to aid in determining wind direction in the event of a nearby hazardous material release.
- HAZ MM3 - Prior to building permit issuance, the tenant improvement plans shall indicate the location of warning notification signs posted at all entrances to the building. The signs shall serve to advise building occupants of potential hazards within the surrounding industrial area. Proposed verbiage shall be submitted for Fire Department review. Signs may be required in multiple languages, as appropriate for occupants of the building.
- HAZ MM4 - Prior to certificate of occupancy issuance, the applicant shall submit an Emergency Action Plan (EAP) to the Milpitas Fire Department for approval, which recognizes the nature of the risk at the project site in the surrounding industrial area. The EAP shall include identification of key personnel in the implementation of the plan, training documentation, written evacuation plan showing evacuation routes, shelter in-place and assembly areas, and location of emergency equipment.
- HAZ MM5 - Prior to certificate of occupancy issuance and before implementing the EAP, the employer shall designate and train a sufficient number of persons to assist

in the safe and orderly emergency evacuation of employees. The employer shall advise each employee of his/her responsibility under the plan. Furthermore, drills with EAP designated staff and the Fire Department shall be conducted on site to test and document implementation of the EAP. An additional drill including building occupants shall occur immediately following occupancy. Drills shall be conducted and documented monthly and on an annual basis with the Fire Department on site.

- HAZ MM6 – The applicant shall provide a disclosure and acknowledgement form to all guests which discloses potential hazards and includes a description of emergency procedures. Recordkeeping of the notification are to be maintained at all times.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14

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:					
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 14

**Comment:**

The proposed project does propose any physical alterations to existing condition of the site. Therefore, there are no hydrology or water quality impacts resulting from this proposed project. **[No Impact]**

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

X. LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

**Comment:**

The project does not propose any changes to the land use designations to the property. With the approval of the Conditional Use Permit, the use will be consistent with the General Plan and Milpitas Zoning Ordinance. The proposed project would not result in significant, adverse land use impacts. **[No Impact]**

XI. MINERAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4

**Comment:**

The project entails a conditional use permit to allow for the operations of an indoor badminton facility and does not involve or result in the loss of availability of a known mineral resource or located near mineral resource zone or excavation sites. Therefore, the project would not result in impacts to mineral resources. **[No Impact]**

**XII. NOISE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 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"/>	1, 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"/>	1, 6

**Comment:**

The project will not result in any additional substantial noise impacts beyond the existing conditions. The project continues to be used for commercial use and is regulated by the Milpitas General Plan Noise Standards. **[No Impact]**

<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:					

Bintang Badminton Facility

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

**Comment:**

The project is not anticipated to generate any additional substantial urban growth impacts. The project entails interior modifications to allow for the operations of an indoor badminton facility. The project will not result in new growth given the surrounding is fully developed and therefore will not displace existing homes or necessitate new housing elsewhere. **[No Impact]**

<b>XIV. PUBLIC SERVICES</b>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					1, 2
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

**Comment:**

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

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

**Fire Station # 1:** 777 South Main St.

**Fire Station # 2:** 1263 Yosemite Dr.

**Fire Station # 3:** 45 Midwick Dr.

**Fire Station # 4:** 775 Barber Ln.

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

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

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

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

XV. RECREATION					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**Comment:**

The project does not propose any new housing and therefore will not increase the use of existing or physical deterioration of existing recreational facilities nor require the construction of new facilities. **[No Impact]**

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					

<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 type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Comment:

The project proposes to convert an empty 35,930 square foot office and warehouse space into a 30-court indoor badminton facility. Based on the proposed use, the project will generate approximately 488 new daily trips and add only add 35 new AM peak hour trips and 76 PM peak hour trips as demonstrated in the below trip generation analysis:

Trip Generation Analysis

USE	INTENSITY	TRIP RATE	DAILY TRIPS	AM			PM		
				%	IN	OUT	%	IN	OUT
<b>Existing Use</b>									
Office	1,400 KSF	20/KSF	28	14%	3	1	13%	1	2
Warehousing	34,888 KSF	5/KSF	174	13%	16	2		10	16
<b>Total Existing Use</b>	36,288 KSF		202		19	3		11	18
<b>Proposed Use</b>									
Commercial Athletic Facility	2,406 KSF	30/KSF	690	5%	17	18	11%	38	38
<b>Total Proposed Use</b>	35,930 KSF		690		17	18		38	38
<b>Net</b>			<b>+488</b>		<b>-2</b>	<b>+15</b>		<b>+27</b>	<b>+20</b>

The City of Milpitas General Plan identifies level of service (LOS) E in the peak hours as the operational threshold for local intersection and recognizes regional facilities may operate at worse than LOS E. The City of Milpitas considers uses with a new increase of 100 PM peak hour trips as requiring traffic studies to review if there are potential substantial changes in surrounding facility conditions. This practice is consistent with the Santa Clara County CMP program. Since the project will generate less than a 100 new peak trips, it does not require a traffic analysis.

Currently, South Milpitas Boulevard carries an average of 1,706 trips per day during the AM peak period and operates at LOS E between Yosemite and Montague and 1,889 trips during the PM peak period and operates at LOS F. Montague Expressway currently has 4,349 AM peak trips and 2,834 PM peak trips per day and operates at LOS F. The additional 76 PM peak hour trips would not result in a substantial change to the existing LOS and would have less than a significant effect on transportation facility operations under project conditions.

The project will not conflict with any applicable congestion management program standards or to adopted policies, plans, or programs supporting alternative transportation. The project will not involve any modifications to the existing access and circulation and therefore, will not create any traffic hazards or result in inadequate emergency access. **[Less than significant]**

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

**Comment:**

The project entails a conditional use permit to allow for the operations of an indoor badminton facility within an existing multi-tenant industrial building. The site is already served by utilities and will not increase existing levels of service or require additional capacity for water, sewer, or solid waste. **[No Impact]**

<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"/>	1, 4, 15, 16
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 type="checkbox"/>	<input checked="" type="checkbox"/>	1, 4, 15, 16
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"/>	1, 4, 15, 16
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 15, 16

**Comment:**

The project is located within an urbanized area and will not have the potential to degrade the environment, reduce wildlife habitat, threatened endangered plant or animal species, or impact historical or cultural resources. Furthermore, no exterior improvements are proposed.

The proposed project may have potential impacts related to the hazardous materials in that sensitive receptors (very young and elderly population) may be exposed to accidental release or airborne chemicals. Mitigation measures have been included in the project to reduce identified project impacts on the natural and human environment to a less than significant level.

## SOURCES

### General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006*, Map. June 2005.
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010.
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19*, 1964.
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968.
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H, 06085C0080H, 06085C0086H, and 06085C0087H*.
15. Milpitas Midtown Improvement Plans TIA, May 2008.
16. Risk Assessment, Environ Safetech, June 2010.

### Project Related Sources:

- A. Project application and plans.

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