

NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT FOR
THE MILPITAS SQUARE MIXED USE DEVELOPMENT PROJECT

PROJECT APPLICANT: Milpitas Square, LLC

FILE NO: General Plan Amendment GP07-0002/Zoning Amendment ZA07-0001/S-Zone Review SZ08-0002

As the Lead Agency, the City of Milpitas will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are identified in the attached materials.

In addition, a Scoping Meeting has been scheduled for February 20, 2008 between 7 and 9 pm to be located at the Milpitas City Hall Committee Conference Room, 455 E. Calaveras Blvd.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of Milpitas
Attn: Sheldon S. Ah Sing, Senior Planner
455 East Calaveras Blvd.
Milpitas, CA 95035

Sheldon S. Ah Sing
Senior Planner

Senior Planner

Date: February 8, 2008

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February 2008

Introduction

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

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

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

Project Location

The proposed project site is a 16.85-acre property located on the east side of Barber Lane and Barber Court at the terminus of Bellew Drive in the City of Milpitas. The project site is bordered to the north by State Route 237 (SR 237), to the east by Interstate 880 (I-880), to the south by a vacant auto showroom, and to the west by a Cisco Systems campus and hotel uses on the west side of Barber Lane and Barber Court (refer to Figures 1, 2, and 3).

The project site is currently developed with a commercial shopping center totaling 162,200 square feet of development. The shopping center includes a 38,800 square foot grocery store (99 Ranch Market) and five commercial strip buildings configured in a “U” shape around a parking lot. Three additional commercial buildings are located on the western portion of the parking lot. The center is mainly leased by restaurant commercial tenants that serve the nearby industrial park campuses and City of Milpitas residents.

Project Description

The project proposes to change the General Plan land use designation on the site from *General Commercial* to *Very High Density Mixed Use*. The proposed General Plan land use designation, *Very High Density Mixed Use*, is intended to allow development of a true mixed use area with

retail, restaurants, and services on the ground floor, and residential or office uses on floors above.

The proposed project would rezone the site from *C2 – General Commercial* to a base zoning of *MXD3 – Mixed Use*. The proposed rezoning would allow construction of a mixed-use residential and commercial development of up to 175,000 square feet of commercial space and a maximum of 673 residential units (40 d.u. per gross acre). The project also proposes the option of constructing a 380 room hotel in place of 205 dwelling units, which would result in a maximum of 468 residential units on the site. The proposed development would be constructed in five phases with a total of six structures on the site at buildout of the project. The existing 99 Ranch Market would be retained at its current size in its existing location, with aesthetic renovations to the façade facing the main entrance plaza. The phasing of the development is structured to keep as much retail space operational as possible throughout the duration of the construction on the site and to allow shop owners to relocate on the property.

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. The EIR will include the following specific environmental categories as related to the proposed project:

1. Land Use

The project site is located in a developed urbanized area, bordered by State Route 237 (SR 237) to the north, Interstate 880 (I-880) to the east, commercial development to the south, and a Cisco Systems campus and hotel uses on the west side of Barber Lane and Barber Court. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts which would occur as a result of the proposed project will be analyzed, including the compatibility with the proposed and existing land uses in the project area. Mitigation measures will be identified for significant impacts, as warranted.

2. Transportation

The EIR will examine the existing and background traffic conditions of the key signalized intersections in the vicinity of the project site and intersections likely to be affected by the project. The transportation impact analysis prepared for the EIR will identify the transportation impacts of the proposed project on the existing local and regional transportation system. Mitigation measures will be identified for significant impacts, as warranted.

3. Air Quality

The EIR will address the existing air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality. The impact of toxic air contaminants (TACs) on the project generated from traffic on adjacent freeways will also be analyzed in accordance with the California Air Resources Board recommendations. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

4. *Noise*

The existing noise environment on-site is created primarily by traffic on SR 237 and I-880. The EIR will discuss impacts to the proposed project from existing noise levels in the project area. The EIR will also discuss the increase in traffic noise that would result from implementation of the proposed project, and temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of Milpitas. Mitigation measures will be identified for significant impacts, as warranted.

5. *Hazards and Hazardous Materials*

The project site is located in an area with a mix of commercial and industrial park development. The EIR will summarize known hazardous materials contamination on and adjacent to the project site, and will address the potential for the proposed development and workers to be adversely impacted by any existing hazardous materials contamination in the project area. The EIR will also identify the potential for hazardous materials used and/or stored in the vicinity of the project site to impact the proposed development in the event of an accidental chemical release. Mitigation measures will be identified for significant impacts, as warranted.

6. *Geology and Soils*

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

7. *Hydrology and Water Quality*

The EIR will describe the change in site drainage and hydrological conditions resulting from the project. The EIR will include an analysis of the potential for the proposed project to result in an increase in stormwater runoff and flooding. Any necessary improvements required to drain the site and improve the water quality of stormwater runoff will be identified in the EIR and mitigation measures for significant impacts will be discussed, as appropriate.

8. *Biological Resources*

The project site is within a developed area of Milpitas. The site is entirely covered with pavement, structures, and ornamental landscaping. Animal species expected on the site would be those that are tolerant of urban development and are likely able to adapt well to the alteration of habitat by humans. The EIR will describe the existing trees on the site and impact of their loss due to the proposed project. Mitigation measures will be identified for significant impacts, as warranted.

9. *Cultural Resources*

The EIR will address the potential for the project to impact buried archaeological resources on the project site and the likelihood for unknown archaeological resources to be found during construction. Mitigation measures will be identified for significant impacts, as warranted.

10. Visual Resources

The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the intensification of development on the project site and shadows created by the buildings. Impacts to visual resources will be described based upon visual simulations of the proposed project. Mitigation measures will be identified for significant visual resources impacts resulting from the project, as warranted.

11. Utilities and Service Systems

The EIR will describe the existing utilities and services in the project area, as well as the project requirements for utilities and services. This information will include, but is not limited to, the location and size of utilities and the capacity of the existing and planned systems to accommodate this project. Based on the size of the project, a Water Supply Assessment will be included in the EIR to determine if sufficient long-term water supply is available to serve the proposed project. The EIR will address any utility infrastructure improvements necessary to serve the project. Mitigation measures will be identified for significant impacts, as warranted.

12. Energy

The EIR will discuss the potential for the project to result in energy impacts and identify conservation measures included in the project to avoid significant energy impacts. Mitigation measures will be identified for significant impacts, as warranted.

13. Public Services

The EIR will discuss the impact of the proposed project on public services, such as police and fire protection, schools, and parks. The EIR will address the availability of public services to serve the project and the potential for the project to require the construction of new facilities. Mitigation measures will be identified for significant impacts, as warranted.

14. Cumulative Impacts

The EIR will include a Cumulative Impacts section which will address the potentially significant cumulative impacts of the project, including global climate change, when considered with other past, present, and reasonably foreseeable future projects in the area. Mitigation measures will be identified for significant cumulative impacts, as warranted.

15. Alternatives

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

16. Other Impacts

The EIR will also identify any significant irreversible environmental changes and/or growth inducing impacts resulting from the project. Mitigation measures will be identified for

significant impacts, as warranted.

17. Significant Unavoidable Impacts

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

Figure 1: Regional Map

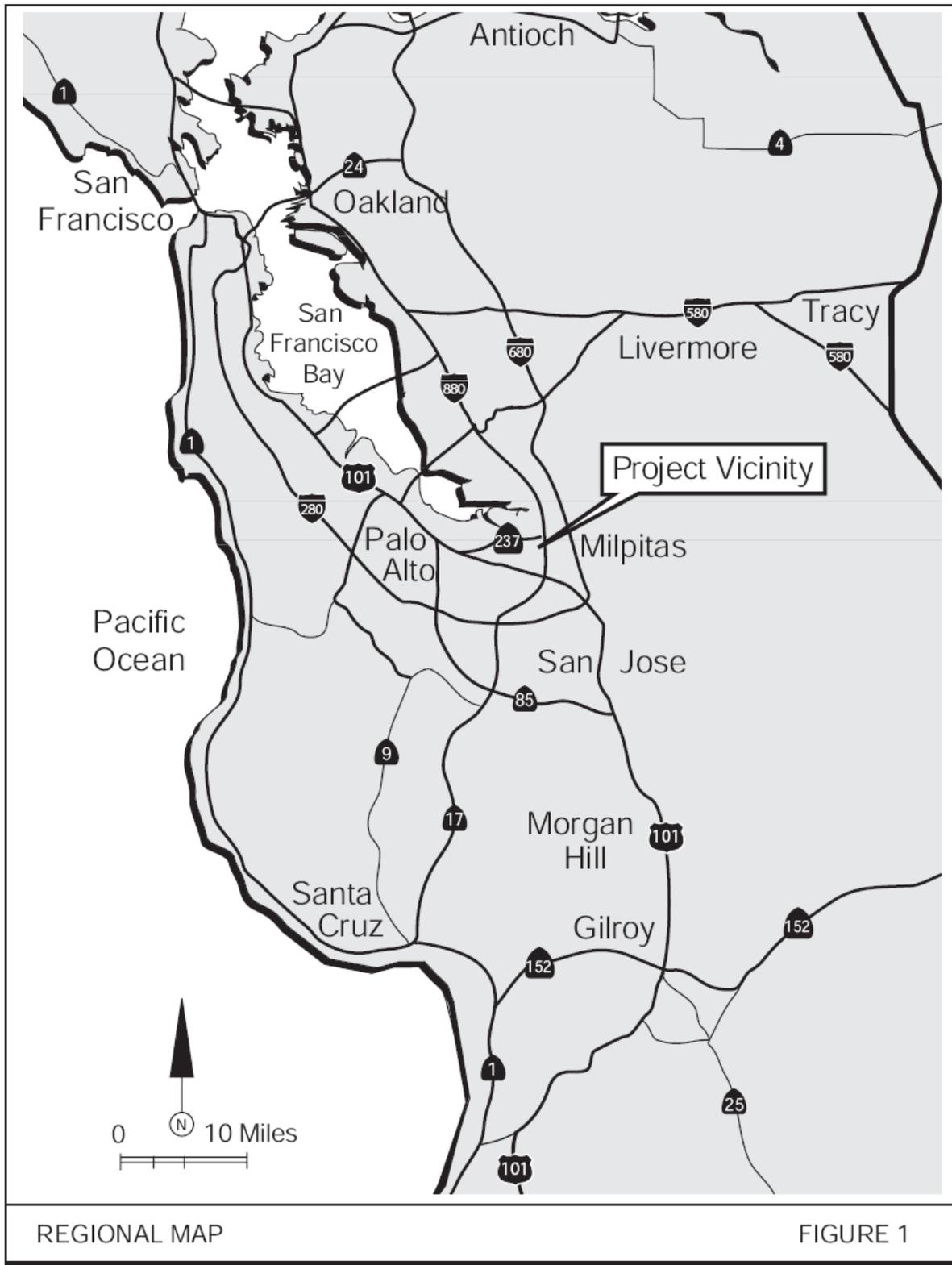


Figure 2: Vicinity Map

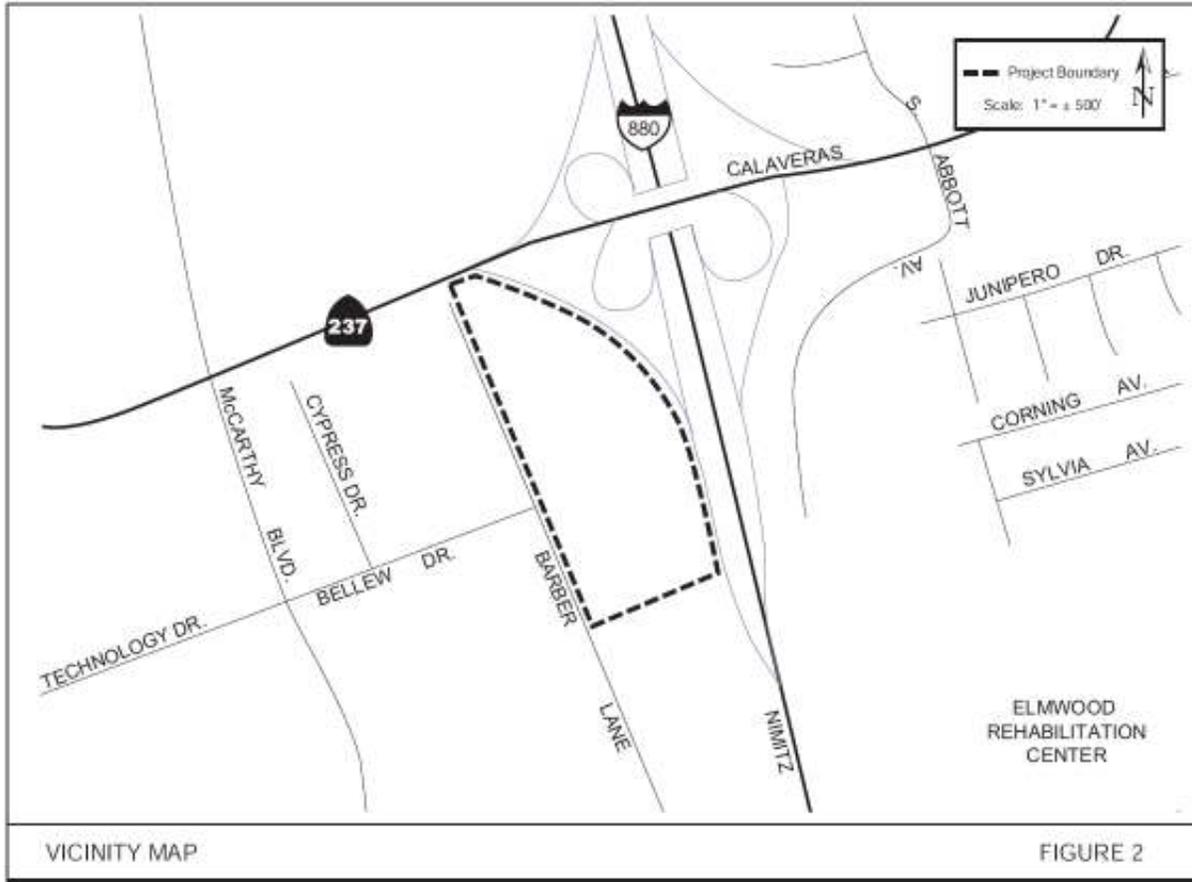


Figure 3: Aerial Photograph and Surrounding Land Uses

