



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.go

NOTICE OF PREPARATION

FROM: Milpitas Redevelopment Agency
455 East Calaveras Boulevard
Milpitas, CA 95035

CONTACT: Diana Barnhart, Economic Development Manager

DATE: September 9, 2009

SUBJECT: **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE THIRTEENTH AMENDMENT TO THE MILPITAS REDEVELOPMENT PROJECT AREA NO. 1**

The Milpitas Redevelopment Agency (Agency) will be the Lead Agency and will prepare an environmental impact report for the Thirteenth Amendment to the Milpitas Redevelopment Project Area No. 1. We need to know the views of interested persons as to the scope and content of the environmental information to be included in the EIR. Agencies should comment on the scope and content of the environmental information, which is germane to the agencies' statutory responsibilities in connection with the project.

The project description, location, and the probable environmental effects are contained in the attached Initial Study. This Initial Study, also available for public review at the City of Milpitas Public Service Counter, located on the 1st floor of City Hall, 455 East Calaveras Boulevard, Milpitas, CA, 95035, will be used to focus the EIR on only those issues that may result in a significant adverse impact. The No Project Alternative and at least one other development alternative will be considered in the EIR.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response to Diana Barnhart at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE: THIRTEENTH AMENDMENT TO MILPITAS REDEVELOPMENT PROJECT AREA NO. 1

PROJECT LOCATION: City of Milpitas
MILPITAS SANTA CLARA
City (nearest) County

Diana Barnhart, Econ. Dev. Mgr. 9/8/09
Responsible Entity Official-Name and Title Signature Date

Thirteenth Amendment to Milpitas Redevelopment Project Area No. 1 INITIAL STUDY

Milpitas Redevelopment Agency

Screencheck



Prepared for:
Milpitas Redevelopment Agency
455 East Calaveras Boulevard, Milpitas, CA 95035
Contact: Diana Barnhart, Economic Development Manager 408-586-3059
dbarnhart@ci.milpitas.ca.gov

Prepared By:
THE ERVIN CONSULTING GROUP
8561 Almond Bluff Court
Orangevale, California 95662-4419
916-989-0269

September 8, 2009

THIRTEENTH AMENDMENT TO MILPITAS REDEVELOPMENT PROJECT AREA NO. 1

INITIAL STUDY

This Initial Study is required and prepared for the Milpitas Redevelopment Agency, 455 East Calaveras Boulevard, Milpitas, CA 95035, pursuant to Title 14, Section 15070 of the California Code of Regulations (CCR).

ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into the following sections:

SECTION I – PROJECT INFORMATION: Page 3- Provides summary background information about the project name, location, sponsor, and the date this Initial Study was completed.

SECTION II – EXECUTIVE SUMMARY: Page 5 - Includes a Summary of the Project Description and environmental analysis.

SECTION III - PROJECT DESCRIPTION: Page 7 - Includes a detailed description of the Proposed Project.

SECTION IV – INITIAL STUDY CHECKLIST AND DISCUSSION: Page 17 - Contains the Environmental Checklist form together with a discussion of the checklist questions. The Checklist Form is used to determine the following for the proposed project: 1) Potentially Significant Impacts, which identifies impacts that may have a significant effect on the environment, but for which the level of significance cannot be appropriately determined without further analysis, in an Environmental Impact Report (EIR), 2) Potentially Significant Impacts Unless Mitigated, which identifies impacts that could be mitigated to have a less-than-significant impact with implementation of mitigation measures, and 3) Less-than-significant Impacts, which identifies impacts that would be less-than-significant and do not require the implementation of mitigation measures.

SECTION V - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: Page 59 - Identifies which environmental factors were determined to have either a Potentially Significant Impact or Potentially Significant Impact Unless Mitigated, as indicated in the Environmental Checklist.

SECTION VI - DETERMINATION: Page 61 - Identifies the determination of whether impacts associated with development of the Proposed Project are significant, and what, if any, added environmental documentation may be required.

SECTION VII - REFERENCES: Page 63

SECTION I – PROJECT INFORMATION

Project Name, File Number: Thirteenth Amendment to Milpitas Redevelopment Project Area No. 1

Project Applicant: Milpitas Redevelopment Agency
455 East Calaveras Boulevard
Milpitas, CA 95035

Project Manager: Diana Barnhart, Economic Development Manager
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Phone: 408-586-3059
dbarnhart@ci.milpitas.ca.gov

Redevelopment Consultant: Paul Anderson, Manager
Keyser Marston Associates, Inc.
500 South Grand Ave., Suite 1480
Los Angeles, CA 90071
Phone: (213) 622-8095
Fax: (213) 622-5204
panderson@keysermarston.com

Environmental Consultant: The Ervin Consulting Group
8561 Almond Bluff Court
Orangevale, CA 95662-4419
Phone (916) 989-0269
Fax (916) 200-1371
info@ervincg.com

Initial Study Completed: September 8, 2009

SECTION II – EXECUTIVE SUMMARY

The City of Milpitas (City) is located in Santa Clara County, California. The Milpitas Redevelopment Project Area No. 1 (Existing Project Area) currently encompasses 2,230 acres. The Milpitas Redevelopment Agency (Agency) is considering expanding its redevelopment efforts to eliminate blighting conditions in an additional area containing approximately 600 acres (Added Area).

The Redevelopment Plan for Project Area No. 1 (Redevelopment Plan) provides "... the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the Project Area." The Agency proposes amending the Redevelopment Plan to:

- Extend Redevelopment Plan effectiveness, the time period for collection of tax increment, and repayment of debt by 10 years for the eligible areas, collectively referred to as the Amendment Areas (the Midtown area added in 2003 is not eligible for extension at this time)
- Add approximately 600 gross acres to Project Area No. 1 (Added Area)
- Update the list of public improvements projects that may be undertaken by the Agency
- Update the text of the Redevelopment Plan to conform to the requirements of the Community Redevelopment Law

Collectively, these amendments are referred to as the Amendments. Collectively, the Existing Project Area and the Added Area are referred to as the Amended Project Area.

Both the Amendment Areas and proposed Added Area are impacted by economic blighting conditions including low lease rates and high vacancy rates. The proposed Amendments will have the effect of focusing the Agency's future redevelopment efforts on the Added Area and parts of the Amendment Areas that are still blighted.

Environmental Factors Potentially Affected

The environmental factors marked below would be potentially affected by the Amendments, involving potential impacts that require more in-depth analysis than presented in this initial study. These factors will be discussed further in the Draft Environmental Impact Report (DEIR) to be circulated for public review in December 2009. Those factors not marked have been determined to be less than significant and will not be further discussed in the DEIR:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Land Use and Planning
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population and Housing
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Hazards and Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Hydrology and Water Quality	<input checked="" type="checkbox"/> Utilities and Service Systems

SECTION III - PROJECT DESCRIPTION

PROJECT LOCATION

The City of Milpitas (City) is located in Santa Clara County (County), California (Figure 1). The Milpitas Redevelopment Project Area No. 1 (Existing Project Area) currently encompasses 2,230 acres. The Milpitas Redevelopment Agency (Agency) is considering expanding its redevelopment efforts to eliminate blighting conditions in an additional area containing approximately 600 gross acres (Added Area). The Existing Project Area and the Added Area are collectively referred to as the Amended Project Area.

PROJECT BACKGROUND

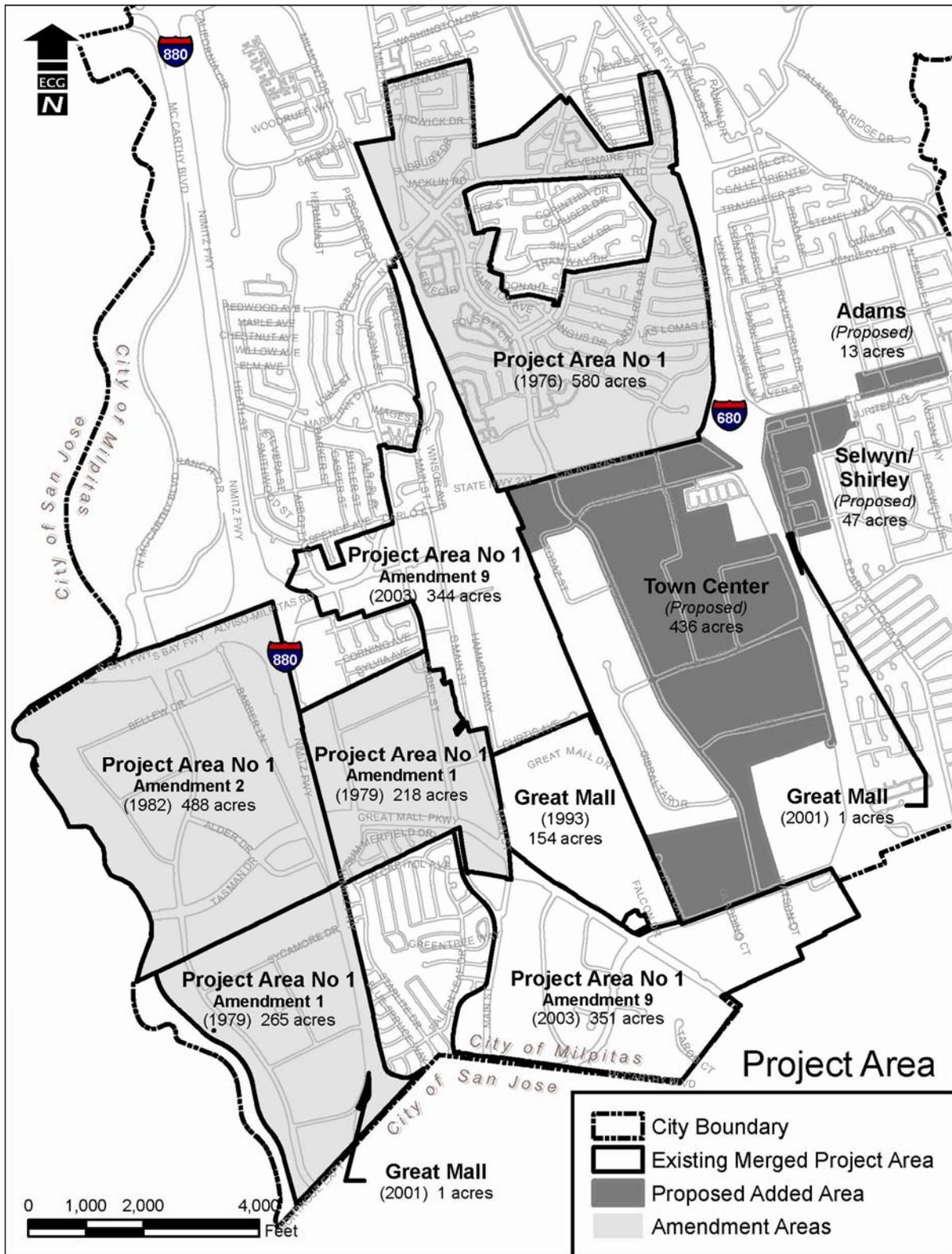
The City has two redevelopment project areas: Milpitas Redevelopment Project Area No. 1 (Project Area No. 1) and the Great Mall Redevelopment Project Area, which were merged in 2006. The original Redevelopment Plan for Project Area No. 1 (Redevelopment Plan) was adopted by the City Council by Ordinance No. 192 on September 21, 1976, and consisted of approximately 577 acres located in the central portion of the City (Original Project Area). Since the original adoption of Project Area No. 1, the Redevelopment Plan has been amended twelve times, including the 2006 merger:

- The first amendment adopted on September 4, 1979 – by Ordinance No. 192.1 – added approximately 483 acres to the Original Project Area.
- The second amendment adopted on May 4, 1982 – by Ordinance No. 192.2 – added approximately 479 acres to the Original Project Area.
- The third amendment adopted on November 27, 1984 – by Ordinance No. 192.3 – made technical text changes and increased the tax increment limit.
- The fourth amendment adopted on December 9, 1986 – by Ordinance No. 192.4 – amended the Agency’s tax increment limit.
- The fifth amendment adopted on April 16, 1991 – by Ordinance No. 192.6A – amended the low income housing set-aside to include bond proceeds and restated and reorganized the provisions of the low income housing set-aside.
- The sixth amendment adopted on December 9, 1994, by Ordinance No. 192.9 – amended the time limits in accordance with Assembly Bill (AB) 1290.
- The seventh amendment adopted on October 15, 1996 – by Ordinance No. 192.11 – increased the tax increment limit, increased the bond debt limit, and extended the debt establishment time limit.
- The eighth amendment adopted on October 16, 2001 – by Ordinance No. 192.12 – deleted certain parcels from the Project Area (sign parcels).
- The ninth amendment adopted on June 17, 2003 – by Ordinance No. 192.14 – included the following: 1) added area (691 acres) to the Original Project Area (known as the Midtown area); 2) increased the tax increment limit; 3) increased the bonded indebtedness limit; 4) established eminent domain in the 691-acre added area for non-residential land uses; and 5) revised and updated various text provisions to conform to the requirements of the CRL.



Source: Ervin Consulting Group, 2009

FIGURE 1
PROJECT VICINITY



Source: Ervin Consulting Group, 2009

BEING AMENDED

FIGURE 2
AMENDED PROJECT AREA

- The tenth amendment adopted on October 7, 2003 – by Ordinance No. 192.15 – extended the time limits on plan effectiveness/receipt of tax increment by one year for the Original Project Area and the added areas as allowed by SB 1045 in response to the Agency’s payments to the Educational Revenue Augmentation Fund (ERAF) in fiscal year 2003-04. The Agency was allowed to further extend the time limits on plan effectiveness/receipt of tax increment by two years for the Original Project Area and the added areas adopted in 1979 and 1982 as allowed by SB 1096 in response to the Agency’s ERAF payments made in fiscal years 2004-05 and 2005-06.
- The eleventh amendment was adopted on October 3, 2006 – by Ordinance No.192.16 – Pursuant to Senate Bill (SB) 1096.
- The twelfth amendment was adopted on November 29, 2006 – by Ordinance No.192.18 – which merged Project Area No. 1 with the Great Mall Redevelopment Project.

PROPOSED PROJECT

The Redevelopment Plan is intended to provide, “... the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the Project Area. Because of the long-term nature of this Plan and the need to retain the Agency’s flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.”

The proposed Amendments will have the effect of focusing the Agency’s redevelopment efforts on the Added Area and parts of the Amendment Areas that are still blighted.

Project Components

To ensure that the Agency has sufficient tax increment revenue and time to complete the redevelopment program in Project Area No.1, the Agency is proposing to extend Redevelopment Plan effectiveness, the time period for collection of tax increment, and repayment of debt by 10 years for the eligible areas as allowed by CRL Section 33333.10.

The Original Project Area, Amendment Area No.1, and Amendment Area No. 2 were adopted before December 31, 1993, and, therefore, are eligible for the 10-year extension with a finding of significant remaining blight. The Midtown area was adopted in 2003, and is not eligible for a 10-year extension and is not proposed for amendment. Collectively, the areas proposed for 10-year extensions are referred to as the Amendment Areas.

The Agency is also proposing to add approximately 600 acres to Project Area No. 1. The proposed Added Area includes the following areas plus approximately 97 acres of public right-of-way:

1. Town Center area: 436 acres of industrial/warehouse uses in the Town Center Business Park.
2. Adams area: A small 13 acre residential area near the intersection of East Calaveras Boulevard and Temple Drive.

3. Selwyn/Shirley area: A small 47 acre residential area with limited commercial generally along Interstate 680 between Calaveras Boulevard and Yosemite Drive.

Collectively, the time extensions and addition of territory are referred to as the Thirteenth Amendment or Amendments.

Time and Financial Limits

The proposed 10-year extension for duration and time period for collection of tax increment would provide the Agency with additional tax increment revenue from the Amendment Areas, which will provide needed funding to complete the Agency's redevelopment program – including affordable housing. The affordable housing can be incorporated in stand alone residential projects or in mixed-use projects in Project Area No. 1 or anywhere within the City. Given the severe downturn in the economy, the additional 10 years of Redevelopment Plan effectiveness is also required to provide time to complete projects and programs, which will be largely based upon private sector initiated rehabilitation and redevelopment of remaining blighted sites within Project Area No.1. The additional 10 years will also provide needed time for the Agency to complete needed infrastructure improvements.

Infrastructure Program

The Redevelopment Plan identifies the public improvements and facilities that the Agency may install or construct or caused to be installed or constructed. The description of the public improvements is proposed to be updated and expanded as necessary to reflect the Added Area and the Agency's anticipated public improvement projects and facilities over the remaining effectiveness period of the Redevelopment Plan.

Added Territory

The Adams and Selwyn/Shirley areas are being considered for inclusion in a redevelopment project to continue the City's efforts to alleviate blighting conditions in these areas. The City, exclusive of the Agency, has been working with property owners and managers over the past several years to alleviate code violations and deter crime, particularly gang activity. Although these efforts produced short-term improvements these residential areas continue to be impacted by blighting conditions. Redevelopment is proposed as another tool to improve these areas.

As a result of a high vacancy rate and older and obsolete buildings the Agency is also proposing to include a portion of the Town Center that consists of predominately industrial buildings in a redevelopment project. The Agency is proposing to assist in rehabilitating and redeveloping properties to meet contemporary user needs thereby reducing vacancies and increasing property values.

Generally Authorized Programs and Activities

Redevelopment tax increment is used to rehabilitate properties, stimulate private business and new development, improve or replace infrastructure, create jobs, and develop and maintain affordable housing. State law requires that at least 20% of the tax increment received by the Agency be used to increase and preserve the community's supply of housing affordable to low- and moderate-income households.

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Amended Project Area by:

1. Permitting participation in the redevelopment process by owners of properties located in the Project Area consistent with the Plan and rules adopted by the Agency

2. The acquisition of real property
3. The elimination of areas experiencing economic dislocation and disuse
4. The replanning, redesign and/or redevelopment of areas which are stagnant or improperly utilized, and which would not be accomplished by private enterprise acting alone without public participation and assistance
5. The protection and promotion of sound development and redevelopment of blighted areas and the general welfare of citizens of the City by remedying such injurious conditions through the employment of appropriate means
6. The installation of new or replacement of existing public improvements, facilities, and utilities in areas that are currently inadequately served with regard to such improvements, facilities, and utilities
7. The development and rehabilitation of improved housing opportunities in the Project Area including housing opportunities for low- and moderate-income persons and families
8. Providing relocation assistance to displaced persons and business concerns
9. The demolition or removal of certain buildings and improvements
10. Providing for participation by owners presently located in the Project Area and the extension of preferences to business occupants desiring to remain or re-enter into business within the redeveloped Amended Project Area
11. The installation, construction, or reconstruction of streets, utilities, and other public improvements
12. The disposition of property for uses in accordance with the Plan
13. The redevelopment of land by private enterprise or public agencies for use in accordance with the Plan
14. The rehabilitation of structures and improvements by present owners, their successors, and the Agency
15. Providing for the retention of controls and the establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with the Plan

AUTHORIZED PUBLIC INFRASTRUCTURE PROJECTS

The following public improvements projects may be provided in the Amended Project Area:

- 1) Traffic/Circulation
 - a) The construction, reconstruction, widening or other improvement of streets and roadways within or serving the Project Area;
 - b) The installation or modernization of traffic signals on streets and roadways within or serving the Project Area;
 - c) The realignment or removal of railroad tracks within or serving the Project Area;
 - d) The construction, reconstruction or other improvement of curbs, gutters and sidewalks along or adjacent to streets and roadways within or serving the Project Area; and

- e) The installation, construction, reconstruction or other improvement of bridges, over or underpasses, and street medians, as well as bicycle paths, bus shelters and other improvements that facilitate multi-modal public transportation.
- 2) Water, Sewer and Flood Control
The installation, construction, reconstruction or other improvement of water, sewer and storm drainage systems and lines (collection, treatment and/or delivery) within or serving the Project Area, including the acquisition of new water sources.
- 3) Parking
The installation, construction, reconstruction or other improvement of both on-street and surface parking spaces and lots, as well as structured parking facilities, within or serving the Project Area.
- 4) Streetscape and Street Lighting
The installation of new, or repair or replacement of existing, landscaping and irrigation, street lighting, gateways and other signage, street furniture, trash receptacles, planters, murals and other amenities within or serving the Project Area.
- 5) Utilities
The installation of new, or repair or replacement of existing, electrical distribution systems, natural gas distribution systems, and cable television and fiber optic communication systems; where feasible, said utilities shall be placed underground.
- 6) Parks, Open Spaces and Community Facilities
The installation, construction, reconstruction or other improvement of parks, open spaces including trails, school facilities, fire and police facilities, libraries, community centers including cultural centers, teen centers, community centers and senior centers.

Other Redevelopment Activities

The above summary of proposed projects and public improvements may not be complete in that other projects may be proposed by the Agency to eliminate blighting conditions, facilitate rehabilitation and development, or to otherwise carry out the Agency's purposes in the Amended Project Area. In addition, the Agency will continue to have various administration and operational requirements associated with carrying out the above programs and activities. These will include program staff, planning and other studies, and securing legal and other technical assistance.

PROJECT SETTING – CONDITIONS OF BLIGHT

Existing Project Area

Land uses within the Existing Project Area are predominantly commercial and industrial, and include such uses as retail establishments, automobile services, building materials and storage yards and facilities, and research and development/industrial uses. The Existing Project Area also contains scattered single- and multi-family residential and public uses. Blighting conditions still present in the Amendment Areas include factors hindering the economic viability of buildings and lots.

Two Specific Plans have been adopted within Project Area No. 1, the Transit Area Specific Plan in the southern portion of the Project Area, and the Midtown Specific Plan roughly north of Great Mall Parkway between the rail line and Interstate 880. No change to existing redevelopment powers and activities within those Specific Plan areas is proposed. While land uses in most of the City are stable, the Specific Plan areas are in transition from trucking and industrial areas to mixed use areas, including offices, high-tech industry, high-

density housing, and retail uses. These Specific Plans, adopted in 2002 and 2008, respectively, promote the construction of high-density housing on former commercial and industrial sites near light rail stations and a future BART station.

Proposed Added Area

The Added Area consists of approximately 600 acres, two small portions of which are residential. The Adams area is a small 13-acre residential area near the intersection of East Calaveras Boulevard and Temple Drive. The Selwyn/Shirley area is a 47-acre residential area with limited commercial generally along Interstate 680 between Calaveras Boulevard and Yosemite Drive. There are eight commercial properties in the Selwyn/Shirley area, with the balance of the area as residential land uses.

Both residential areas are primarily developed with multi-family rental units built in the mid-1950s to the mid-1960s. As identified by the City's Building Department, most of the residential buildings are two-story apartments with detached carports that are approximately 45 years old and suffering from extensive code violations. For some time, the two residential areas have been the focus of City code enforcement for numerous and persistent code violations, proactive planning and police enforcement.

In total, there are 113 parcels in the residential areas, of which 82 are under separate ownership. Of the 113 parcels, 84 were cited for code violations between 2002 and 2009. On a per square foot basis the residential properties in these areas are assessed below the Citywide average for similar density multiple-family properties. Between 2004 and 2008, the value of property sales and land values in the areas were lower than citywide averages for similar density multiple-family sales.

The apartment complexes suffer from serious residential overcrowding that has resulted in significant public health and safety problems. Based on U.S. Census data for the blocks that encompass the residential areas, over half of residents in the Selwyn area and over a third of residents in the Adams area live in overcrowded conditions compared to 22% Citywide. These areas also suffer from a high crime rate that constitutes a serious threat to the public safety and welfare, including gang activity and graffiti problems. During the five-year period, there was an average of three crimes per property in Adams area, six crimes per property in the Selwyn/Shirley area, compared to 0.8 crimes per property Citywide. Although Adams has less than 1% of the population of the City, it has 6% of the gang related crimes. In the Selwyn/Shirley area the proportion of gang related crimes was even higher at 10% compared to 6% of the population of the City.

There are also several public/quasi public uses located along Interstate 880 included in the Added Area. These parcels have been included because they are integral to the effective planning of the Selwyn/Shirley area and the potential redevelopment of these parcels is limited by their narrow width (ranging from approximately 170 feet at the widest point to almost zero feet), which is evidenced from their transition from their designed use as light industrial buildings to churches and a school.

The Town Center area consists of 436 acres of industrial/warehouse uses in the Town Center Business Park. This area is located east of Great Mall Drive, south of Calaveras Boulevard, west of Interstate 680, and north of Montague Expressway. Although the Town Center area is notable for its research and development uses, there are a significant number of manufacturing and warehousing uses in this area. The City has been concerned about the growing number of vacancies in the Town Center area. There is some perception that the increased vacancies are due in part to the aging industrial building stock, which has become obsolete for contemporary users. As noted in the Redevelopment Feasibility

Analysis, approximately one third of the Town Center area is developed with obsolete industrial buildings. The industrial vacancy rate is about a third higher than in the North San Jose Market Area (market area), and vacant industrial properties in the Town Center area are on the market for almost twice as long. Industrial property sales data found that the industrial space sold for significantly less in the Town Center area than comparable properties Citywide during the same period.

Relationship to the City of Milpitas General Plan (General Plan)

Redevelopment actions rely on the City's approved land use policies. Not only must redevelopment actions be consistent with the City's General Plan, community plans, and applicable specific plans at the time of their adoption, but the Redevelopment Plan expressly provides for ongoing consistency with the City's General Plan and related plans. Land uses permitted in the Amended Project Area are existing allowable uses under the City's General Plan as it may be amended from time to time. Because land use policies change, sometimes frequently, this ensures that the Redevelopment Plan will continue to be consistent with the General Plan and applicable community and specific plans over the life of the Redevelopment Plan. The redevelopment actions are principally intended to eliminate blighting conditions, and stimulate and promote new development and redevelopment consistent with the uses permitted by the City's adopted land use policies, as amended from time-to-time. The growth-inducing (urban intensification) effects of the Redevelopment Plan and subsequent amendments have been and will continue to be dictated by the City of Milpitas General Plan and associated zoning controls.

SECTION IV – INITIAL STUDY CHECKLIST AND DISCUSSION

The initial study checklist recommended by the CEQA Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project. Explanations to answers are provided in a discussion for each section of questions, as follows:

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. *Potentially Significant Impact* is appropriate if there is substantial evidence that an effect is significant. If there are one or more *Potentially Significant Impact* entries when the determination is made, an EIR is required.
4. *Less Than Significant with Mitigation* 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.
5. *Less than Significant Impact* applies where the impact does not require mitigation or result in a substantial or potentially substantial change of any of the physical conditions within the area affected by the project.
6. 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).
7. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

1. AESTHETICS

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

DISCUSSION OF CHECKLIST ANSWERS

a,b,c) The Amended Project Area is a highly urbanized environment generally located between two interstate freeways, with a relatively dense mix of residential, commercial and industrial land uses. The area is located on the valley floor with no distinguishing scenic features or resources.

A primary goal of the Amendments is to eliminate existing blighting conditions within the Added Area as well to extend the Agency’s ability to eliminate blight in the Amendment Areas. Consequently, implementation of the Amendments is expected to have a demonstrable positive aesthetic effect on the Amended Project Area.

New development engendered by redevelopment activities in the Amended Project Area will not result in the obstruction of any identified scenic vistas or other views. Scenic Resources are defined in the General Plan as both natural and man-made, and are specified as scenic connectors and corridors. Figure 4-6 of the General Plan (page 4-25) identifies hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City’s scenic identity. With the exception of a small portion of the major visual gateway at the western City boundary at Calaveras Boulevard, there are no Scenic Corridors, major entryways, or other resources within the Amended Project Area.

Calaveras Boulevard and Interstate 680 are identified as Scenic Connectors. A Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However, special design treatment — which may include roadside landscaping,

undergrounding of utility lines, and street furnishings — will be carried out to provide a visual continuity with the Scenic Corridors.

Redevelopment activities would remove barriers to new development throughout the Amended Project Area, which would meet current codes and green building requirements, and in turn could contribute to an improved positive visual image for the Amended Project Area, as well as the City as a whole. Implementation of the City's normal development and architectural review processes will reduce or eliminate any potential for adverse visual impacts. The Amendments further provide for public facility enhancements, landscaping and streetscape improvements that could assist in implementing General Plan Open Space and Conservation Goals and implementation measures to enhance the visual impact of the gateways to Milpitas (4.g-G-3) and ensure landscaping enhances the City's scenic resources (4.g-I-7). Therefore, the proposed Amendments would have no effect on scenic resources and the visual character of the Amended Project Area.

- d) Future development engendered by redevelopment activities may produce new sources of light and glare that would come from parking lot and building lighting. Accepted planning polices can reduce potential impacts to an acceptable level. Consequently, no significant adverse impacts from the Amendments relative to the above-defined aesthetics factors are expected to occur. Therefore, the proposed Amendments would have a less-than-significant effect on light and glare.

FINDINGS

Impacts associated with aesthetics, light, and glare are less than significant. No further analysis is required.

2. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

DISCUSSION OF CHECKLIST ANSWERS

a-c) The Amendment Areas and the Added Area are urbanized lands within the City boundaries, zoned for urban uses. Agricultural zoning or resources are not located within the Amended Project Area.

The proposed Amendments would not convert prime agricultural land to non-agricultural use, would not conflict with agricultural zoning or a Williamson Act contract, or involve any other changes resulting in a conversion of Farmland. Therefore, the proposed Amendments would have no effect on agricultural resources.

FINDINGS

Impacts associated with agricultural resources are less than significant. No further analysis is required.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	X			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			
d) Expose sensitive receptors to substantial pollutant concentrations?	X			
e) Create objectionable odors affecting a substantial number of people?			X	

DISCUSSION OF CHECKLIST ANSWERS

a-d) The City is located within the Bay Area Air Quality Management District (BAAQMD), within the Santa Clara Valley Air Basin sub-region. The BAAQMD is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

Air quality is a function of both local climate and local sources of air pollution, and is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. The northwest-southeast oriented Santa Clara Valley is bounded by the Santa Cruz Mountains to the west, the Diablo Range to the east, the San Francisco Bay to the north, and the convergence of the Gabilan and Diablo ranges to the south. This creates conditions that limit the natural dispersal capacity of the atmosphere; in combination with human activities, the air pollution potential of the Santa Clara Valley is high. The valley has a large population and the largest complex of mobile sources in the Bay Area making it a major source of carbon monoxide (CO), particulate and photochemical air pollution. In addition, photochemical precursors from San Francisco, San Mateo, and Alameda

counties can be carried along by the prevailing winds to the Santa Clara Valley making it a major ozone (O₃) receptor. Geographically, the valley tends to channel pollutants to the southeast with its northwest/southeast orientation, and concentrate pollutants by its narrowing to the southeast.

The Bay Area is currently designated non-attainment for State and national (1 hour and 8 hour) O₃ standards and for the State PM₁₀ and PM_{2.5} standards. The Bay Area is in attainment or unclassified with respect to the other ambient air quality standards.

In the Bay Area, as in the entire state of California, a certain amount of air pollution comes from stationary industrial sources, such as refineries and power plants. But a greater percentage of harmful air emissions come from cars, trucks, construction equipment, and other mobile sources. California has more cars per household (1.8) than any other state, along with an expanding population. In addition, Interstates 680 and 880 both traverse the Amended Project Area. These freeways are potential sources of toxic air contaminants (TACS) for sensitive receptors within 500 feet.

The Amendments would assist the City in eliminating barriers to development within the Added Area and Amendment Areas, encouraging development to proceed up to the General Plan and zoning densities. ***Redevelopment activities may result in a significant impact on air quality, and this issue will be discussed in the EIR.***

- e) Development encouraged by redevelopment activities could remove barriers to additional industrial uses within the Added Area and Amendment Areas. The industrial areas contain light industry and commercial warehouse, and future uses in vacant or recycled properties are anticipated to be high technology, research and development, and offices consistent with the General Plan. Such uses are not associated with objectionable odors found with heavy industrial uses. In addition, the industrial areas are separated from residential uses by roadways and intervening commercial uses. Therefore the impact to objectionable odors is less than significant and will not be further discussed.

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant air quality impacts. These issues will be discussed in the EIR. The Amendments are not expected to result in development that may create objectionable odors; therefore, this issue is a less-than-significant impact and no further discussion of these issues is required.

4. BIOLOGICAL RESOURCES

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?			x	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
c) 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?			x	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			x	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			x	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			x	

DISCUSSION OF CHECKLIST ANSWERS

- a-f) The proposed Added Area and Amendment Areas are located in a part of the City that consists of densely developed residential, commercial, industrial, and public uses. While there are scattered small remaining areas supporting vestiges of the pre-development native vegetation within drainages and in other isolated vacant properties, the area is urbanized and does not support protected species. The habitat consists of heavily disturbed, densely developed Urban Land Habitat. Urban habitat exists within developed areas where pre-development vegetation has been removed and new species of plants have been introduced intentionally (ornamental species) or inadvertently (weeds).

A system of drainage channels throughout the Amended Project Area follows creeks in the Coyote Watershed and may be considered jurisdictional by the U.S. Army Corps of Engineers (USACE). All creeks have been altered from their historical state with many segments being directed underground and/or re-routed to accommodate development. As a result, the drainages lack high-quality riparian habitat and have minimal native vegetation; this vegetation is regularly disturbed for creek maintenance. There are no currently proposed redevelopment activities that would affect the creek beds. In addition, the City requires setbacks from the creeks to be a minimum of 25 feet from top of the bank or from a maintenance road if one exists for the creation of a public trail, in addition to required side or rear yard setbacks. Therefore, future redevelopment activities would have a less-than-significant effect on creek habitat values.

According to the General Plan, the alkali milk-vetch (*Astragalus tener vartener*) – listed as Rare by the California Native Plant Society (CNPS) – is found in valley and foothill grassland, and vernal pools, and its range includes the Amended Project Area. The CNPS notes this species as being endangered in a portion of its range, endemic to California and that its “occurrence [is] limited to one or a few highly restricted populations or present in such small numbers that it is seldom reported.” The alkali milk-vetch was recorded in southern Milpitas in the region bounded by Calaveras Boulevard to the north, Dempsey Road to the east, Capitol Avenue to the South, and Interstate 880 in the west. However, this plant is presumed extant according to CNDDDB, and the last sighting was in 1905; therefore, the potential for future redevelopment activities to result in disturbing this plant is considered less than significant.

The burrowing owl is a California Species of Special Concern and protected under California Fish and Game Code Section 3503.5, as well as guiding principles 4.b-G-2 of the Milpitas General Plan. Development of ruderal or barren vacant lots within the Amended Project Area or disturbance to adjacent suitable habitat could result in the direct loss of burrowing owls or active nests. However, there is a low probability of finding this species in the Added Area or Amendment Areas due to the density of urban development. Implementation of existing General Plan policies 4.b-I-4 and 4.b-I-5 require a biological assessment and mitigation of any project site where sensitive species are present, or where habitats that support known sensitive species are present. Therefore, existing planning reviews and site specific environmental analysis requirements for future development in the Amended Project Area would be sufficient to reduce potential impacts to burrowing owls to less-than-significant levels.

Street and Heritage trees are located throughout the Amended Project Area. These trees are protected under the City's Municipal Code, X-2-1.01, Tree Maintenance and Protection Ordinance of the City of Milpitas. Existing City regulations are sufficient to ensure redevelopment activities would have a less-than-significant impact related to protected species and trees within the Amended Project Area.

FINDINGS

Impacts on biological resources as a result of redevelopment activities are less than significant. No further analysis is required.

5. CULTURAL RESOURCES

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.5?	X			
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	X			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			
d) Disturb any human remains, including those interred outside of formal cemeteries?	X			

DISCUSSION OF CHECKLIST ANSWERS

- a-d) The City of Milpitas is located in Santa Clara County (County). The County was one of the original counties of California, formed in 1850 at the time of statehood.

The Milpitas area was likely settled by Native Americans between 12,000 and 6,000 years ago. Milpitas is within the ethnographic territory of the Alson tribe of Ohlone, who occupied the area near the mouth of Coyote Creek. Some of the Ohlone lived in various villages within what is now modern-day Milpitas, including sites underneath what are now the Calvary Assembly of God Church and Higuera Adobe Park. Previous Northwest Information Center (NWIC) surveys within the City have determined there is a moderate to high likelihood that unrecorded Native American cultural resources exist in the Amended Project Area.

During the Spanish expeditions of the late 1700s, several missions were founded in the San Francisco Bay Area. During the mission period, Milpitas served as a crossroads between Mission San José de Guadalupe in modern-day Fremont and Mission Santa Clara de Asis, in present Santa Clara. In the 1850s, large numbers of Americans of English, German, and Irish descent farmed the land and set up many businesses on a section of what was then called Mission Road, which by the late 20th century became known as the "Midtown" district. And for over a century, Milpitas served as a popular rest stop for travelers on the old Oakland–San Jose Highway. The City's Historic Sites Inventory identifies historic resources that may be eligible for the California Register of Historic Resources, or could be eligible in the future.

The proposed Added Area and Amendment Areas contain a moderate to high likelihood of unrecorded paleontological, archaeological, and historic resources – which could be affected by redevelopment activities and development engendered

by redevelopment. ***The potential impact of the Amendment on cultural resources will be discussed in the EIR.***

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant cultural resources impacts. These issues will be discussed in the EIR.

DISCUSSION OF CHECKLIST ANSWERS

- a,c) The proposed Added Area and Amendment Areas are located on the relatively flat, urbanized Valley Floor, which is underlain by alluvial soil of Quaternary age. This soil consists of interlayered, poorly sorted gravel, sand, silt, and clay deposited by water. The thickness of the alluvial soil increases westward from zero at the base of the hills to 1,000 feet or more at the western edge of the City where the Amended Project Area is located.

The alluvial soil in Milpitas was deposited in and adjacent to stream channels, in low-lying basins between streams, and on the floor of the Bay when the shoreline was east of its present position. The composition and consistency of alluvial soils varies laterally and vertically over small distances and depths.

Most of the alluvial soil in Milpitas is expansive and susceptible to liquefaction, and alluvial areas along creeks may be susceptible to lateral spreading. Local areas have compressible soils, poorly drained soils, shallow ground water, or are susceptible to lateral spreading. Because soil composition varies vertically as well as laterally, several soil types may underlie a particular site.

Seismic hazards refer to earthquake-induced ground rupture, ground shaking, liquefaction, or water movement. Earthquakes occur along fault lines buried beneath the surface of the ground. The Hayward fault trends northwestward through the western portion of the Milpitas foothills. The Calaveras fault trends northwestward through Calaveras Reservoir, approximately 1-1/2 miles northeast of the eastern edge of the City. The San Andreas fault trends northwestward through the Santa Cruz Mountains approximately 13 miles southwest of Milpitas. Although none of these faults lies within the Amended Project Area, all of these faults are active and have produced damaging earthquakes in the historic past. Other active and potentially active faults are present in the Bay Area and may produce earthquakes of significance to Milpitas.

No portions of the proposed Added Area and Amendment Areas are located within the Alquist-Priolo Special Studies Zone in the eastern part of the City. However, large earthquakes on the Hayward, Calaveras, and San Andreas faults could produce ground shaking sufficient to cause extensive damage in Milpitas. Large earthquakes on other faults may also produce significant ground shaking in the City.

Another earthquake-induced hazard, liquefaction, occurs when a water-saturated, cohesionless soil loses its strength and liquefies during intense and prolonged ground shaking. Areas which have the greatest potential for liquefaction are those areas where the water table is less than 50 feet below ground surface (bgs) and soils are predominantly clean, comprised of relatively uniform sands, and are of loose to medium density. The poorly consolidated younger alluvium which occupies the creek valleys is considered to have moderate to high potential for liquefaction. Seismic Hazard Zone maps prepared by the California Department of Conservation (CDC), Division of Mines and Geology, for the USGS Milpitas 7.5 minute quadrangle indicate the Amended Project Area is located within a seismic hazard zone for liquefaction. In accordance with the Seismic Hazard Mapping Act (SHMA), a site-specific geotechnical investigation must be conducted for sites within a designated seismic hazard zone prior to development (CDC, 2004).

By law, all redevelopment facilitated construction would be required to comply with current applicable building codes and engineering standards of the City, as well as the SHMA. General Plan Policy 5.a-l-30 requires projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. The City may require preparation of individual geotechnical reports to assess the nature and severity of on-site geotechnical hazards (if any), and recommend appropriate engineering and construction features to reduce such hazards to less-than-significant levels. The City's existing building permit process contains ample requirements to mitigate potential impacts associated with geology and soils to less-than-significant levels.

The Amendments will be consistent with the General Plan, any Specific Plans, and existing City policies, and therefore would not increase the number of people exposed to seismic hazards beyond those levels anticipated in the General Plan. In addition, redevelopment activities would result in a reduction of hazard exposure by rehabilitating and replacing older structures with buildings designed to meet current seismic codes. Therefore, the potential of the Amendments to cause adverse impacts relative to the above-defined geology and soils factors is considered less than significant.

- b,d) Other non-seismically induced hazards in the City include landslides, expansive soils, and erosion. Expansive soils and highly erodible soils are rather commonplace development constraints in California, standard engineering practices are sufficient to ensure the structural integrity and safety of new buildings. The proposed Added Area and Amendment Areas are on the valley floor, and are not subject to landslides. As required by the City of Milpitas Municipal Code (Municipal Code), building permit applications must be accompanied by a preliminary soils report. The report must address site soil conditions, including expansive soils, settlement, and erosion, and provide recommendations to offset potential soils problems. New development is also required to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. Project applicants would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize the discharge of pollutants, including silt and sediment, during construction. The SWPPP would need to include measures to control erosion and effectively manage runoff and retain sediment on-site during construction. Existing City grading and construction regulations are sufficient to ensure redevelopment activities would have a less-than-significant impact related to expansive soils and erosion within the proposed Added Area and Amendment Areas.
- e) The proposed Added Area and Amendment Areas include existing developed lands that are already connected to city services for wastewater and stormwater. The Amendments would have no impact on septic systems or other alternative wastewater disposal systems.

FINDINGS

Impacts associated with geology and soils are less than significant. No further analysis is required.

7. GREENHOUSE GAS EMISSIONS

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X			
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	X			

DISCUSSION OF CHECKLIST ANSWERS

- a,b) Global climate change resulting from greenhouse gas (GHG) emissions is an emerging environmental concern being raised and discussed at the international, national, and statewide level. At each level, agencies are considering strategies to control emissions of gases that contribute to global warming. Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006 requires achievement by 2020 of a statewide GHG emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions. Currently there is no established guidance, from the state or in published CEQA case law, for the determination of what constitutes a significant global climate change impact or what measures are necessary to off-set new GHG emissions. At the direction of the Governor’s Office of Planning and Research, the California Air Resources Board (CARB) is currently developing statewide interim thresholds of significance for GHG emissions. CARB is focusing on common project types that, collectively, are responsible for substantial green house gas emissions – specifically industrial, residential, and commercial projects.

Milpitas is a member of the Joint Venture Silicon Valley Climate Protection Task Force (Task Force), which is a regional body working to reduce GHG emissions. The Task Force will establish a baseline for future monitoring and reduction requirements, and will enable network cities to work with International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection (CCP) Campaign at a reduced rate. Policies that Milpitas is considering are hybrid and alternatively-fueled vehicles, recycled building materials to be used in future building projects, and using natural light and ventilation, and timers or sensors placed on interior lights. In addition, the City’s Building and Safety Department is working towards creating a Green Building compliance ordinance by the end of August 2009, in anticipation of the mandatory state-wide Green Building Code to be adopted by 2011. Title II of the Municipal Code Building Regulations has been amended to include a new Chapter

20, Green Building Regulations intended to increase energy efficiency, encourage water and resource conservation, reduce waste generated by construction projects; and promote the health of residents, workers, and visitors to the City.

The proposed Amendments could remove barriers to development consistent with the General Plan. ***The potential impact of the Amendments on GHG emissions will be discussed in the EIR.***

FINDINGS

Redevelopment activities and redevelopment engendered development could result in an increase in GHG emissions. This issue will be discussed in the EIR.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	x			
b) 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?	x			
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	x			
d) 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?	x			
e) 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?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the Project Area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
h) 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?				X

DISCUSSION OF CHECKLIST ANSWERS

a-d) The City is a small, primarily residential community with an aging housing stock, and older commercial and industrial properties concentrated in the proposed Added Area and Amendment Areas. These areas lie roughly between Interstates 880 and 680, which are used for the transport of hazardous substances and present the risk of accidents within the Amended Project Area.

The proposed Added Area and Amendment Areas contain older structures that could contain asbestos-containing material (ACM) and lead based paint. These older structures are more susceptible to deterioration due to aging, weathering, and a lack of current building standards and codes, which increases the risk of the release of asbestos or lead. Rehabilitation or demolition can also release ACM and/or lead based paint into the environment.

In addition, the recycling and reuse of commercial and industrial properties could expose construction workers and subsequent site users to contaminated soil and/or groundwater that may be present due to current or past operations on the site. ***The potential impact of the Amendments on hazards and hazardous materials will be discussed in the EIR.***

e,f) The Amended Project Area is not located within the safety hazard areas of any private or public airports. Therefore, the proposed Amendments would have no impact on airport safety.

g) Future development in the proposed Added Area and Amendment Areas and/or redevelopment activities would not interfere with either an adopted emergency response plan or an emergency evacuation plan. No routes used for emergency access and response would be adversely affected by anticipated redevelopment activities such as rehabilitation, public infrastructure improvements, and economic development. Development engendered by redevelopment activities would be consistent with the City General Plan and Municipal Code, which are consistent with the Local Hazard Mitigation Plan Annex for the City of Milpitas. Therefore, the potential of the Project to cause adverse impacts relative to emergency response or emergency evacuation plans is considered less than significant.

h) The proposed Added Area and Amendment Areas are urbanized and located on the valley floor. The Amendments would not create an increased fire hazard in areas

with flammable brush, grass, or trees. The Amendments would provide property owners with assistance in upgrading properties to current code and fire safety requirements. Therefore, the potential of the Amendments to cause adverse impacts relative to fire hazards is considered less than significant.

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant hazards and hazardous materials impacts. These issues will be discussed in the EIR. The proposed Amendments would result in a less-than-significant impact to development within airport hazard areas, wildland hazard areas, or development that would interfere with emergency response or evacuation; therefore, no further discussion of these issues is required.

9. HYDROLOGY AND WATER QUALITY

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) 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)?			X	
c) 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?			X	
d) 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?			X	
e) 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 water?			X	
f) Otherwise substantially degrade water quality?			X	
g) 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?			X	

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) 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?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

DISCUSSION OF CHECKLIST ANSWERS

a,c-f) There are several streams that flow through the proposed Added Area and Amendment Areas, including:

- Berryessa Creek
- Calera Creek
- Coyote Creek (*adjacent*)
- Los Coches Creek
- Lower Penitencia Creek
- Piedmont Creek
- Tularcitos Creek
- Wrigley Ford Creek

Storm drains pipe runoff from urban neighborhoods directly into the creeks. All creeks within the Added Area and Amendment Areas have been channelized, and there are no groundwater recharge areas within the Amended Project Area. Redevelopment activities would not involve any streambed alterations or alter the existing drainage pattern of the Added Area and Amendment Areas, which are served by a municipal stormwater drainage system. Construction runoff is regulated by NPDES General Construction Permit requirements, and future development would be required to prepare a SWPPP to minimize the discharge of pollutants, including silt and sediment, during construction. The SWPPP would need to include measures to control erosion and effectively manage runoff and retain sediment on-site during construction.

Regulations require many development projects to treat stormwater runoff before it may be discharged to creeks or City storm drains. Existing City regulations mandate the appropriate design of stormwater systems. The City’s Stormwater C.3 Guidebook (3rd Edition – October 6, 2005) provides guidance for implementing stormwater treatment requirements for all projects involving 10,000 square feet or more. Existing City grading and construction regulations are sufficient to ensure redevelopment activities would have a less-than-significant impact related to drainage, water quality, and groundwater within the proposed Added Area and Amendment Areas.

- b) Most of the Amended Project Area west of Interstate 680 has a high water table, with an area south of CA-237 and on both sides of I-880 as high as 10 feet bgs. The City's policy is to use groundwater during emergencies only, supplied from two emergency wells. Water from these emergency wells is not included as a routine existing or planned source of water available to the City. Development engendered by the Amendments would be consistent with the General Plan and the Urban Water Management Plan, and would not substantially deplete groundwater supplies. The proposed Amendments would have a less-than-significant impact on groundwater supplies and recharge.
- g-i) The City, including the Amended Project Area, is located within the East Zone of the Flood Control Benefit Assessment District. The Santa Clara Valley Water District (SCVWD) is responsible for maintenance and measures for flood protection within the Assessment District. Flooding within the proposed Added Area and Amendment Areas is highly dependent on conditions in the drainage areas upstream, and to a lesser extent the condition of the creeks. The current condition and design of the creeks flowing into the proposed Added Area and Amendment Areas are not sufficient in preventing the 100-year flood, and will require improvements to remove the area completely from the Federal Emergency Management Agency (FEMA)-designated flood zones.

Because the proposed Added Area and Amendment Areas are within the lower floodplain areas of local watersheds, they are subject to flood hazards. Most of the Added Area and Amendment Areas are indicated by FEMA as being within the 500-year floodplain, with several areas included within flood zones A, AO, and AH of the 100-year floodplain. Zone A only occurs along the creek beds. The 100-year flood is the largest event likely to occur once every 100 years; that is, the event with a 1% chance of flood occurrence in any given year. These flood zones are low-lying areas that are subject to ponding during the 100-year event, and are defined by FEMA as follows:

- Zone A: Areas subject to inundation by the 1%-annual chance (100-year) flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.
- Zone AO: Areas subject to inundation by 1%-annual-chance (100-year) shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone. Some Zone AO has been designated in areas with high flood velocities such as alluvial fans and washes. Communities are encouraged to adopt more restrictive requirements for these areas.
- Zone AH: Areas subject to inundation by 1%-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. BFEs derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply.

The City's location within a FEMA-designated floodplain means that area-wide planning is required, and special construction methods must be applied to development within much of the Amended Project Area. Regional flooding mitigation

is handled by the SCVWD and USACE for creeks improvements. However, localized flooding mitigations will need to be handled by individual developers, as development occurs for necessary on-site and off-site improvements.

The Municipal Code contains provisions pertaining to developments constructed within the 100-year flood zone. The provisions are designed to reduce future losses associated with flooding events and to comply with regulations stipulated by FEMA and the National Flood Insurance Program (NFIP). Applications for a development permit shall be made on forms furnished by the City's Floodplain Administrator and may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- b) Proposed elevation in relation to mean sea level to which any structure will be flood proofed, if required in Section XI-15-5.1(c)(3); and
- c) All appropriate certifications listed in Section XI-15-4.3(d); and
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 209.3(A) (part), 5/4/93)

The permit application is reviewed by the City Manager who is appointed as the Floodplain Administrator to enforce Section XI-15 of the Municipal Code. The administrator will determine whether all requirements stated in the Section XI-15 have been satisfied and either grant or deny the permits.

The areas of special flood hazards are subject to a number of standards as specified in the Municipal Code. All new residential construction must have the lowest floor built to at least one foot above the Base Flood Elevation, or in the case of areas within Zone AO, at least one foot above the depth number listed on the Flood Insurance Rate Map (FIRM), or three feet above the highest adjacent grade if no depth number is shown. For non-residential construction the lowest floor elevation can be at Base Flood Elevation, but the structure needs to be floodproofed and designed for buoyancy.

All new construction (residential and non-residential) with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Within Zone AH or AO, improvements shall be constructed so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures. Further details of these provisions can be found in the following sections of the Municipal Code:

- a) Standards of Construction (Section XI-15-5.1) – specify requirements for anchoring, construction materials and methods, and elevation and flood-proofing

- b) Standards for Utilities (Section XI-15-5.2) – specify requirements for new and replacement water supply and sanitary sewage systems, and on-site waste disposal systems
- c) Standards for Subdivisions (Section XI-15-5.3)
- d) Floodways (Section XI-15-5.6) – specify requirements and constraints for encroachments, and other flood hazard reduction provisions.

In addition, while regional flooding mitigation will be handled by the SCVWD and the USACE for creeks improvements, localized flooding mitigations will be handled by individual developers in accordance with a developer-funded and City-approved Storm Drainage Plan for each sub-district.

Full compliance with the Municipal Code and the City's development standards would reduce increased exposure to flooding as a result of redevelopment to less-than-significant levels.

- j) The Amended Project Area is sufficiently elevated and distant from San Francisco Bay to avoid any hazard of tsunami or seiche run-up inundation. Development under future plans would not expose people or structures to inundation by seiche, tsunami, or mudflow. For these reasons, there are no impacts related to seiche, tsunami, and mudflow.

FINDINGS

Impacts associated with hydrology and water quality are less than significant. No further analysis is required.

10. LAND USE AND PLANNING

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) 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?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

DISCUSSION OF CHECKLIST ANSWERS

The discussion of land use and planning effects are treated differently from technical environmental issues. Any indirect physical impacts associated with development that may be encouraged by redevelopment activities are addressed in the appropriate environmental sections of this Initial Study.

- a-c) The Redevelopment Plan, as amended, provides that all land uses to be permitted within the Amended Project Area must be consistent with the General Plan, as it currently exists or as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions, and other laws.

Redevelopment activities will not result in a substantial alteration of the present or planned use of the Amended Project Area. On sites that are currently vacant, development in accordance with existing land use regulations will alter the undeveloped nature of that given site. Some intensification of existing land uses within the Amended Project Area may also occur, especially adjacent to areas opened up by improved circulation. Any intensification that may occur must be consistent with the adopted land use policy in place at the time of project approval.

The General Plan is a twenty-year policy guide for physical, economic, and environmental growth and renewal of the City. The General Plan is comprised of goals, policies, programs, and actions that are based on an assessment of current and future needs and available resources. The document is the City's principal tool for evaluating public and private projects and municipal service improvements.

All construction in the Amended Project Area must also comply with all applicable state and local laws in effect, as amended from time to time, including the City of

Milpitas Zoning Ordinance (Zoning Ordinance), and Specific Plans such as the Transit Area Specific Plan and Midtown Specific Plan, where applicable. The purpose of the Zoning Ordinance is to regulate the use of land, buildings, or other structures for residences, commerce, industry, and other uses required by the community. Additionally, it regulates the location, height, size of buildings or structures, yards, courts, open spaces, amount of building coverage permitted in each zone, and population density. The Zoning Ordinance also divides the City into zones of such shape, size, and number best suited to carry out these regulations, and to provide for their enforcement, and ensure the provision of adequate open space for aesthetic and environmental amenities. All proposed redevelopment activities in the proposed Added Area and Amendment Areas generally conform to the Zoning Ordinance. ***The EIR will further discuss the Amendments' consistency with General Plan and zoning land use designations and policies.***

FINDINGS

Redevelopment activities and redevelopment engendered development must be consistent with the General Plan. Consistency issues with the General Plan and other land use regulations will be discussed in the EIR.

11. MINERAL RESOURCES

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?				X
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?				X

DISCUSSION OF CHECKLIST ANSWERS

- a-b) The State Mines and Geology Board designates sand and gravel deposits that are of regional significance pursuant to the California Surface Mining and Reclamation Act of 1975. The General Plan Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits, are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Loa Caches creeks, and the fourth is along Scott Creek at the County line. All of the areas are being currently quarried¹.

There are no known mineral resources within the City, and no sites zoned for mineral recovery within the Amended Project Area. The proposed Amendments would not result in the loss of availability of a known mineral resource or a locally-important mineral resource recovery site within the Amended Project Areas. Therefore, there is no impact to mineral resources.

FINDINGS

The Amendments would have no impact on mineral resources. No further discussion is required.

¹ City of Milpitas General Plan, Chapter 4: Open Space and Environmental Conservation Element.

12. NOISE

Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?	X			
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	X			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
e) 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?				X
f) 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?				X

DISCUSSION OF CHECKLIST ANSWERS

- a-d) Increased vehicular traffic resulting from roadway improvements and development encouraged by redevelopment activities may incrementally increase ambient noise levels on arterial streets and freeways. Construction-related noise may exceed acceptable levels and have potentially significant short-term impacts on adjacent sensitive receptors. The Amendments will remove barriers to growth in the Amended Project Area, and may result in more residents being exposed to existing noise sources such as Interstates 880 and 680. Redevelopment activities within the Amended Project Area could expose people to excessive noise levels, and could result in increases in community noise levels. **Noise issues will be analyzed in the EIR.**

- e-f) There are no public or private airfields within affecting the proposed Amended Project Area. The Norman Y. Mineta - San Jose International Airport is located approximately four miles to the southwest. Sporadic noise from aircraft can contribute to the noise environment but is not consistent or significant. Therefore, the Amendments would not expose people residing or working in the Amended Project Area to excessive noise levels.

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant transportation and construction noise impacts. These issues will be discussed in the EIR. The proposed Amendments would result in a less-than-significant impact to public or private airfields; therefore, no further discussion of these issues is required.

13. POPULATION AND HOUSING

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Population and housing is considered a socio-economic, rather than a physical impact on the environment. CEQA does not require review of socio-economic impacts, except where a clear chain of cause and effect results in physical impacts. The City has developed policies and plans to provide for long-term population and housing needs, with documents such as the General Plan and the Housing Element. Socio-economic needs such as low-income housing are addressed by the Amendments through the use of at least 20% of all increased property taxes (tax increment) generated to provide for housing in the project vicinity.

DISCUSSION OF CHECKLIST ANSWERS

- a) According to the California Department of Finance Population Estimates for 2009, the population for the City of Milpitas grew from 62,698 in 2000 to 70,817 in 2009. According to the Association of Bay Area Governments (ABAG) Projections 2007, in 2030 the projected population is projected to be 90,500 in 25,500 households. The City is a job-rich city, and prior to the current economic downturn was one of the fastest growing employment centers in the County.

Redevelopment activities and development encouraged by redevelopment has the potential to encourage localized daytime population growth in the local employment market by redeveloping and rehabilitating obsolete industrial and commercial properties to provide additional jobs that would otherwise locate elsewhere. This would occur on existing or redeveloped industrial/commercial properties within the Added Area and Amendment Areas which suffer from excessive vacancies or are undeveloped because of existing site constraints, and thus would be a replacement of lost jobs rather than a significant increase in worker population.

Residential redevelopment and intensification occurring within the Added Area and Amendment Areas would increase the permanent population of the area. Such

increases in population are expected to occur gradually over time as public improvements and redevelopment progresses, consistent with the Housing Element.

The 2009 Housing Element identifies the Midtown Specific Plan and Transit Area Specific Plan areas as providing 3,481 additional units, or over 90% of the anticipated new residential development in the City through the year 2014. As of March 2009, 681 units are under construction, another 2,310 units have been approved, and 3,283 units are in the planning process. No new residential development was anticipated in the Added Area or Amendment Areas; the Amendments would support rehabilitation and reconstruction of older housing and the elimination of overcrowding. The Amendments would therefore not induce substantial residential population growth.

There is no change in land use or zoning proposed as part of the Amendments, nor any major new infrastructure improvements/extensions. The proposed Amendments would result in a less-than-significant impact to population. The proposed project will not induce growth beyond those identified in regional and local population projections.

- b,c) Providing housing for persons of low- and moderate-incomes is an objective of the Amendments, which provides assistance in the reconstruction or rehabilitation of dilapidated structures, and the construction of new housing. Some relocation of residents may be required to meet redevelopment goals, such as in areas of severely deteriorated housing which may be beyond rehabilitation. The Amendments may also provide developer incentives for the construction of new planned housing. The Agency has no eminent domain powers in the Amendment Areas and no change in eminent domain powers is proposed, thus all displacement would be as a result of willing seller actions. The Amendments provide that no persons or families of low- and moderate-income will be displaced unless and until there is a suitable housing unit available and ready for occupancy at rents comparable to those at the time of their displacement. The Amendments further provide that permanent housing facilities must be made available within three years from the time occupants are displaced.

Within 30 days of executing an agreement for acquisition and/or disposition of property that would result in the destruction or removal of dwelling units, the Agency must adopt a replacement housing plan. This plan must identify the location of such housing, a financing plan for rehabilitation, development, or construction, the number of dwelling units housing persons and families of low- or moderate-income planned for construction or rehabilitation, and a timetable for replacing the units on a one-for-one basis.

CRL under the requirements of these Amendments requires that not less than 20% of all tax increment be set aside for preserving, improving, and increasing the City's supply of low- and moderate-income housing within the Added Area and 30% within the Existing Project Area. Based on the passage of SB 527, effective January 1, 2006, CRL now limits redevelopment agencies to expending low-and moderate-income housing funds on housing for seniors according to the proportion which low-income households with at least one senior are represented in the overall low-income population.

The proposed Amendments are not anticipated to alter the location, distribution, density, or growth rate of the human population or reduce the supply of low- and moderate-income housing beyond that anticipated in the General Plan and Specific Plans. All low- and moderate-income housing stock removed due to Agency involvement will be replaced through Agency programs. In addition, the Amendments will require the Agency to spend more money on affordable housing and would increase the supply of low-and moderate-income housing as well as provide for the rehabilitation or reconstruction of the existing housing stock. Therefore, the proposed Amendments would have a less-than-significant impact on displacement and housing.

FINDINGS

Impacts associated with population and housing are less than significant. This issue will not be further discussed in the EIR.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 following public services:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	X			
b) Police protection?	X			
c) Schools?	X			
d) Parks?	X			
e) Other public facilities?	X			

DISCUSSION OF CHECKLIST ANSWERS

a-e) The proposed Amendments would engender an increase in infill housing construction and economic development in the Added Area and Amendment Areas, and therefore an increase demand on existing public services facilities. **Public service issues will be discussed in the EIR.**

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant impacts resulting from a need to construct new public facilities. These issues will be discussed in the EIR.

15. RECREATION

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated?			X	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

DISCUSSION OF CHECKLIST ANSWERS

- a,b) The City's General Fund and other special collections provide the financial support to achieve basic park and recreational services; the level of provision of these services is not considered a physical environmental impact. Park services are considered basic social services to be provided by the City. The level of service is based in part on the economic health of the service provider, in this case, the City of Milpitas.

Parks provide a wide range of services that are affected by population increases. These services, however, are not impacted by physical environmental effects created by the proposed Amendments. Section 15382 of the CEQA Guidelines defines a significant effect on the environment as a substantial or a potentially substantial adverse change in any flora, fauna, ambient noise, and/or objects of historic or aesthetic significance. An economic or social change is not by itself considered a significant effect on the environment.

The Milpitas Parks & Recreation Services Department (Department) manages park facilities and recreation services in the Amended Project Area. The Department serves all age groups through the various programs that are offered. Youth & Teen programs include Preschool, after school care programs, Rainbow Theatre (dramatics), teen programs, a year-round swim team, summer swim lessons, summer day camps, and special interest classes (arts & crafts, cooking, dance, music, fitness and individual and team sports). Adult programs include the Sports Center (fitness center and many aerobics/fitness classes, lap swim, and adult sports programs), and various special interest classes such as dance, music and sports. The Senior Center offers drop-in and class-style activities, day trips, a lunch program, and Case Manager services. Other offerings include city-wide special events, grants for cultural art events, and volunteer services. The Community Center, Senior Center, Teen Center and multiple outdoor facilities are also available to rent, for functions up to 300 people.

The City has over 25 park locations with various amenities that include softball fields, tennis courts, basketball courts, handball courts, bocce ball courts, volleyball standards, horseshoe units, par courses, and barbecuing. Approximately half of these parks are located within the Amended Project Area.

The City has adopted a public park land ratio of 2.0 acres per 1,000 residents for the Midtown and Transit Area Specific Plans, which is being met within these portions of the Existing Project Area. As noted above, these areas are anticipated to support the majority of new housing development in the City. Outside of the Specific Plan Areas, the City's General Plan requires private development to provide 5 acres of park land per 1,000 residents as Public Parks (City of Milpitas Municipal Code, XI-1-9.06). The Added Area and Amendment Areas are subject to this policy. The Public Park land requirements must be satisfied by either dedication of land to the City for public parks and open space, or payment of an in-lieu fee (XI-10-8.07). Housing developers can provide Common Open Space and Private Open Space for the recreational purposes of residents. This non-public open space may include balconies, porches, or roof decks when properly developed for work, play, or an outdoor living area (XI-10-38.07). Private development within the Added Area and Amendment Areas must meet these open space requirements on a project-by-project basis. Therefore, development engendered by the Amendments would result in a less-than-significant deficit in new park facilities.

FINDINGS

Impacts associated with recreation are less than significant. This issue will not be further discussed in the EIR.

16. TRANSPORTATION/TRAFFIC

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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 not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X			
b) 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 and highways?	X			
c) 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?				X
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?	X			
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	X			

DISCUSSION OF CHECKLIST ANSWERS

a,b,e,f) Interstates 880 and 680 are freeways in the Amended Project Area. State Route 237 east of 880 is a signalized arterial being used as a regional freeway to freeway connector. The Montague Expressway is an expressway until it crosses South Park

Victoria Drive. Local streets otherwise constitute the largest part of the City's circulation system².

Public transit is provided by Santa Clara Valley Transportation Authority (VTA), formerly the Santa Clara County Transportation Agency. The VTA provides bus service and light rail services to the Amended Project Area.

Improvements to public infrastructure are intended to alleviate traffic congestion and improve public safety, remove costly impediments to development, and upgrade infrastructure to contemporary standards to stimulate private development. However, development engendered by redevelopment activities could result in increases in traffic congestion and construction could affect circulation. Because much of the City is built-out, the primary traffic issues in Milpitas are the feasibility of improvements and achievement of an acceptable level of service, particularly along two major commute corridors that bisect the city. Most areas along the local street system are constrained by available right-of-ways. ***The EIR will evaluate potential transportation and circulation impacts occurring as a result of the Amendments.***

- c) There are no airports within four miles of the Amended Project Area and the proposed Amendments would not affect air traffic patterns. Therefore, no impact on air traffic patterns would occur as a result of the proposed Amendments.
- d,e) As development occurs in the Added Area and Amendment Areas, site design and off-site improvements of specific future redevelopment projects would be subject to review by the City. All City departments, including fire and police, review site design to ensure safe and adequate access, including emergency access. The Amendments would have a less-than-significant impact on emergency access and transportation hazards.

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant transportation and circulation impacts. These issues will be discussed in the EIR. The Amendments would have no effect on air traffic patterns, and a less-than-significant effect on emergency access and transportation hazards, thus these issues will not be further discussed.

² City of Milpitas General Plan, Circulation Element, 2002.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	X			
b) 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?	X			
c) 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?	X			
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	X			
e) Result in a determination by the wastewater treatment provider which serves the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	X			
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	X			
g) Comply with federal, state, and local statutes and regulations related to solid waste?	X			

DISCUSSION OF CHECKLIST ANSWERS

- a-g) Redevelopment would engender new development in the Added Area and Amendment Areas, that could be subject to inadequate utilities and services, and/or result in an increased demand on utilities and services. **Utilities and service systems issues will be discussed in the EIR.**

FINDINGS

Redevelopment activities and redevelopment engendered development could result in potentially significant utilities and services impacts. These issues will be discussed in the EIR.

18. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project have:

Environmental Issue	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) 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?	X			
b) Impacts which 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).	X			
c) Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X			

DISCUSSION OF CHECKLIST ANSWERS

a,b,c) The initial study identified several potentially significant impacts associated with future development in the Added Area and Amendment Areas, which could be engendered by redevelopment. ***These issues will be addressed in the EIR.***

FINDINGS

No significant impacts were identified for:

- Aesthetics
- Agriculture Resources
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Mineral Resources
- Population and Housing
- Recreation

Land use and planning issues will be discussed in the EIR in terms of consistency with adopted plans and policies; the Amendments do not propose a change in land uses, therefore there is no impact on land use.

Redevelopment activities and development engendered by the Amendments could result in potential impacts that will be addressed in the EIR for the following factors:

- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation/Traffic
- Utilities and Service Systems

SECTION V - ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this project.

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics (page 18) | <input type="checkbox"/> Land Use and Planning (page 41) |
| <input type="checkbox"/> Agriculture Resources (page 20) | <input type="checkbox"/> Mineral Resources (page 43) |
| <input checked="" type="checkbox"/> Air Quality (page 21) | <input checked="" type="checkbox"/> Noise (page 44) |
| <input type="checkbox"/> Biological Resources (page 23) | <input type="checkbox"/> Population and Housing (page 46) |
| <input checked="" type="checkbox"/> Cultural Resources (page 26) | <input checked="" type="checkbox"/> Public Services (page 49) |
| <input type="checkbox"/> Geology and Soils (page 28) | <input type="checkbox"/> Recreation (page 50) |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions (page 31) | <input checked="" type="checkbox"/> Transportation/Traffic (page 52) |
| <input checked="" type="checkbox"/> Hazards and Hazardous Materials (page 33) | <input checked="" type="checkbox"/> Utilities and Service Systems (page 54) |
| <input type="checkbox"/> Hydrology and Water Quality (page 36) | <input type="checkbox"/> None Identified |

SECTION VI - DETERMINATION

On the basis of the 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 the project-specific mitigation measures described in Section III have been added to the project. A 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.

Signature

Date

Printed Name

SECTION VII - REFERENCES

This analysis is incorporating by reference the general discussion portions of earlier environmental documents (CEQA Guidelines Section 15150(a)) and other references. These documents are available for public review online or at the City of Milpitas Public Service Counter, located on the 1st floor of City Hall, 455 East Calaveras Boulevard, Milpitas, CA, 95035. Planners are available: Monday, Wednesday, Thursday, and Friday: 8:00 am – 5:00 pm & Tuesday 10:00 am – 5:00 pm. Sign the binder to the right of the Information Desk and be sure to indicate you need planning assistance.

1. *Association of Bay Area Governments Multi-Jurisdictional Local Hazard Mitigation Plan for the Bay Area*, accessed July 31, 2009 from <http://quake.abag.ca.gov/mitigation/plan.html/>.
2. *Bay Area Air Quality Management District website*, accessed July 20, 2009 from <http://www.baaqmd.gov/>.
3. *City of Milpitas General Plan, City of Milpitas*, adopted 1994, revised March 19, 2002.
4. *City of Milpitas Municipal Code*, codified through Jul 2009, City of Milpitas, accessed August 14, 2009 from <http://www.municode.com/>.
5. *City of Milpitas Zoning Ordinance*, City of Milpitas, 2008-2009.
6. *City of Milpitas, California Official Website*, accessed July 20, 2009 from <http://www.ci.milpitas.ca.gov/>.
7. *Draft Supplemental Environmental Impact Report for the Proposed Merger of Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area*, Milpitas Redevelopment Agency, September 2006.
8. *Midtown Milpitas Specific Plan EIR*, City of Milpitas, Draft EIR dated October 2001, Final EIR dated January 2002.
9. *Milpitas Historical Society Website*, accessed July 30, 2009 from <http://www.milpitashistory.org/home/>.
10. *Milpitas Housing Element Update Initial Study Checklist*, City of Milpitas, May 2009.
11. *Milpitas Transit Area Specific Plan EIR*, City of Milpitas, Draft EIR dated October 2007, Final EIR dated May 2008.
12. *Redevelopment Feasibility Study – Thirteenth Amendment to Milpitas Redevelopment Project Area No. 1*, City of Milpitas, July 28, 2009.
13. *Stormwater C.3 Guidebook - Guidance for Implementing the Stormwater Treatment Requirements*, City of Milpitas, 3rd Edition – October 6, 2005.
14. *2005 Urban Water Management Plan*, City of Milpitas, adopted December 6, 2005.