RESOLUTION NO. RA____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS CERTIFYING A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MERGER OF THE MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 AND THE GREAT MALL PROJECT AREA, AND ADOPTING MITIGATION FINDINGS, FINDINGS REGARDING ALTERNATIVES, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Redevelopment Agency of the City of Milpitas (the "**Agency"**) is a duly constituted redevelopment agency, activated by Resolution No. 230 on June 3, 1958 under California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq*.) and pursuant thereto is responsible for the administration of redevelopment activities within the City of Milpitas;

WHEREAS, the City of Milpitas (**"City"**) has two Redevelopment Project Areas, Redevelopment Project Area No. 1 established in 1976, and the Great Mall Project Area established in 1993;

WHEREAS, in compliance with California Community Redevelopment Law, the Agency staff and consultants propose to adopt amendments to the existing Redevelopment Plans for Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area to merge the two Project Areas into one "Merged Project Area." This merger is hereafter referred to as the **"Project"**;

WHEREAS, pursuant to the California Environmental Quality Act (**"CEQA"**) the Agency prepared an Initial Study for the Project and determined that a Supplemental Environmental Impact Report (**"EIR"**) was required to analyze the potential for environmental impacts from approval of the Project. A Notice of Preparation dated August 16, 2006 was circulated with the Initial Study to public agencies and interested parties for consultation on the scope of the Supplemental EIR;

WHEREAS, the Planning Commission of the City of Milpitas held a public scoping meeting on September 13, 2006 to solicit public input on the scope of the Supplemental EIR;

WHEREAS, based on the Initial Study and responses to the Notice of Preparation, and on the public scoping meeting, the Agency prepared a Draft Supplemental EIR dated September 2006 (SCH No. 2006082087) which reflected the independent judgment of the Agency as to the potential environmental effects of the Project. The Agency circulated the Draft

Supplemental EIR for the required 45 day public review period from September 20, 2006 through November 3, 2006;

WHEREAS, community meetings were held on October 18, 2006 and November 1, 2006 on the Project and to accept public comment on the Draft Supplemental EIR;

WHEREAS, the Agency received five comment letters and emails on the Draft Supplemental EIR during the public review period. The Agency prepared a Final Supplemental EIR dated November 2006 containing written responses to all comments received during the public review period. The written responses provide the Agency's good faith, reasoned analysis of the environmental issues raised by the comments;

WHEREAS, the Agency considered a staff report analyzing the Project and the Supplemental EIR, the Final Supplemental EIR consisting of the Draft and Final Supplemental EIR documents, and all written and oral testimony, at a noticed joint public hearing with the City Council on November 21, 2006, at which time all interested parties had the opportunity to be heard;

WHEREAS, the Draft and Final Supplemental EIR documents reflect the Agency's independent judgment and analysis on the potential for environmental impacts, and constitute the Final Supplemental EIR for the Project;

WHEREAS, the Project would have significant effects on the environment, most of which can be substantially reduced through mitigation measures; therefore, approval of the Project must include mitigation findings as set forth in Section 1 of attached Exhibit A;

WHEREAS, some of the significant effects cannot be lessened to a level of less than significant; therefore, approval of the Project must include findings regarding alternatives as set forth in Section 2 of attached Exhibit A, and must include a Statement of Overriding Considerations as set forth in Section 3 of attached Exhibit A;

WHEREAS, a Mitigation Monitoring and Reporting Program, as required by CEQA, is contained in Section 4 of attached Exhibit A;

WHEREAS, the Draft and Final Supplemental EIRs are separately bound documents, incorporated herein by reference, and are available for review at City Hall. The custodian of the documents and other materials upon which the Agency decision and its findings are based, and which constitute the record of proceedings for the Project is the City of Milpitas Redevelopment Agency, 455 E. Calaveras Blvd., Milpitas CA 95035, attn: Diana Whitecar.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS.

1. The Agency finds that the foregoing recitals are true and correct and made a part of this resolution.

2. The Agency certifies the following based on the evidence and oral and written testimony presented at public hearings, and based on all the information contained in the Agency and City files on the Project.

a. The Final Supplemental Environmental Impact Report for the Project has been completed in compliance with CEQA and the CEQA Guidelines.

b. The Final Supplemental Environmental Impact Report was presented to the Redevelopment Agency which reviewed and considered the information contained therein prior to approving the Project.

c. The Final Supplemental Environmental Impact Report reflects the Agency's independent judgment and analysis on the potential for environmental effects of the Redevelopment Project Area merger.

3. The Agency adopts the mitigation measures and related findings, the findings regarding alternatives, the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, all as set forth in Exhibit A, which is incorporated herein by reference.

PASSED AND ADOPTED at a meeting of the Redevelopment Agency of the City of Milpitas held on the 21st day of November, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: **APPROVED:**

_____ _____

Mary Lavelle, Agency Secretary Jose S. Esteves, Chair

APPROVED AS TO FORM:

_____

Steven T. Mattas, Agency Counsel

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EXHIBIT A

CEQA FINDINGS and MITIGATION MONITORING AND REPORTING PROGRAM

Section 1. Findings Concerning Significant Impacts and Mitigation Measures

General. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the Agency hereby adopts the identified mitigation measures and makes these related findings with respect to the potential for significant environmental impacts from approval of the Redevelopment Project Area Merger and the means for mitigating those impacts. Many of the impacts and mitigation measures in these findings are summarized rather than set forth in full. The text of the Draft and Final Supplemental EIRs (EIRs) should be consulted for a complete description of the impacts and mitigations.[1] Findings pursuant to CEQA sections 21002 and 21081(a)(3) relating to Project alternatives are made in Section 2.

Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image. (DSEIR p. 4-10.)

Mitigation 4-1. Require City architectural design review approval for each of the new and renovated or replaced advertising sign designs. Formulate sign design criteria and sign designs which, to the satisfaction of the City's elected and appointed design review decision-makers, as determined through the City's architectural review process, will minimize the adverse visual (community image) impact of the signs. Effective means to reduce adverse visual impacts could include some combination of the following:

- reduction in top-of-sign height,
- reduction in sign area,
- reduction in electronic message board size,
- elimination of electronic message board components, and/or
- reduction in the mass of the sign support structure, perhaps through use of an open frame rather than solid structure.

Implementation of such measures would serve to reduce the visual prominence and associated adverse visual impacts of the signs, but not assuredly to less-

[1] The Draft and Final Supplemental EIRs contain summary tables of Project impacts and mitigation measures. The Draft and Final Supplemental EIR text controls over the summary tables unless otherwise noted.

than-significant levels; therefore, this potential adverse visual effect has been determined to represent a ***significant unavoidable impact***. Also, in addition to reducing the adverse aesthetic impacts of the signs, such measures could reduce sign effectiveness in meeting the project objectives--i.e., attracting attention to and promoting Merged Project Area businesses (DSEIR p. 4-11.)

Finding. Changes or alterations have been required in, or incorporated into, the Project. However, even with these changes, the impact will not be avoided or substantially lessened. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR; therefore, a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Rationale for Finding. Review and approval of design modifications may reduce the prominence of the signs but given the objectives of the signs to draw attention, the reductions cannot assure that the impact would be less than significant. The impact remains significant and unavoidable.

Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses. (DSEIR p. 4-12.)

Mitigation 4-2**.** Require City architectural design review approval for each new and renovated or replaced advertising sign. To the extent possible, locate and orient the monument and, especially, the electronic message board signs, in a manner which avoids or minimizes their direct exposure to views from adjacent or nearby residential and hotel suite uses. In addition, aim, focus and shield any detached or attached spot or flood light sources sufficiently to prevent glare or overcast of illumination into adjacent or nearby residential or hotel suite vantage points. Location and orientation of the sign areas to avoid direct exposure to views from adjacent or nearby residential and hotel suite views would reduce this potential visual impact to less than significant levels, but may be impractical, given the advertising objectives of the signs. Therefore, mitigation of this potential adverse visual effect cannot be assured, and the potential effect has been determined to represent a ***significant unavoidable impact****.* (DSEIR p. 4-12.)

Finding. Changes or alterations have been required in, or incorporated into, the Project. However, even with these changes, the impact will not be avoided or substantially lessened. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR; therefore, a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Rationale for Finding. Design review to consider reorienting the signs and shielding light sources could reduce the identified visual impact, but substantial reorientation or shielding sufficient to reduce the significant impacts are not

consistent with the intent of the signs to be highly visible. Without substantial reorientation and shielding, the identified measures cannot assure that the impact would be less than significant.

Impact 4-3: Potential Light and Glare Impacts along I-680. (DSEIR p. 4-13.)

Mitigation 4-3. Require City architectural design review approval for sign lighting designs along I-680. Formulate external and internal illumination designs which, to the satisfaction of the City's elected officials and appointed design review decision makers, incorporate adjustable illumination optics and other devices, including visors, which will effectively aim, focus and shield the light source and thereby prevent substantial "spill" light reflection upwards, above the sign. Implementation of this measure would reduce this impact to a ***less-than-significant*** level. (DSEIR p. 4-13.)

Finding. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant impact identified in the EIR.

Rationale for Finding. Refined lighting designs and optics reviewed through the design review process will ensure that stray light from nighttime illumination of the signs along I-680 is controlled by visors or other design and optic features to limit the amount of illumination above the sign.

Impact 5-1: Potential Adverse Land Use Compatibility Impacts. (DSEIR p. 5-3.)

Mitigation 5-1: Implement Mitigations 4-1, 4-2 and 4-3. As indicated under the Mitigation 4-3 statement in chapter 4 (Aesthetics), implementation of this measure would reduce potential project light and glare impacts to a less-than-significant level. As indicated under the Mitigation 4-1 and 4-2 statements in chapter 4, implementation of these two measures would serve to reduce the potential impacts of the merger-enabled advertising signs on community character and the potential visual intrusion impacts of the signs on nearby residential and hotel uses, but mitigation of these two impacts to less than significant levels would not be assured. Therefore, this associated land use compatibility effect would represent a ***significant unavoidable impact.*** (DSEIR p. 5-4.)

Finding. Changes or alterations have been required in, or incorporated into, the Project. However, even with these changes, the impact will not be avoided or substantially lessened. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR; therefore, a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Rationale for Finding. Identified mitigations to reduce the prominence of the signs, or to reorient or shield the signs could also reduce land use compatibility impacts, but substantial reductions would be required to reduce the impacts to less than significant and would be inconsistent with the intent for the signs to be highly visible.

Impact 6-1: Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Land Uses. (DSEIR p. 6-5.)

Mitigation 6-1. To avoid potential electronic message board disturbing noise impacts on the nearest homes and hotels, the electronic message board component designs shall incorporate noise reduction and attenuation remedies sufficient to limit exterior intermittent noise level effects at these nearest homes and hotels to levels (intensity, frequency) which, to the satisfaction of the City, do not constitute "disturbing noise" as defined in Milpitas Municipal Code Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement); Definition 2.01 ("disturbing noise"). Implementation of this measure would reduce this impact to a ***less-than-significant*** level. (DSEIR p. 6-5.)

Finding. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant supplemental effect identified in the EIR.

Rationale for Finding. Incorporation of noise reduction techniques will ensure that noise from cycling of rotating messages will not exceed acceptable noise exposure levels.

Impact 6-2: Project Construction Period Noise. (DSEIR p. 6-5.)

Mitigation 6-2. To reduce the noise impacts from project-related sign construction activities, the following measures shall be implemented as a condition of sign-related grading and building permit approvals:

(1) *Construction Scheduling*. Limit noise-generating construction activity to between the hours of 7:00 AM to 7:00 PM on weekdays and weekends (Milpitas Municipal Code, Title V, Section 213-3.03).

(2) *Construction Equipment Mufflers and Maintenance*. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

(3) *Equipment Location*. Locate all stationary noise-generating equipment as far as possible from nearby residential uses.

(4) *Construction Traffic*. Prohibit construction-related heavy truck traffic in residential areas where feasible.

(5) *Quiet Equipment Selection*. Use quiet construction equipment, particularly air compressors, wherever possible.

(6) *Noise Disturbance Coordinator*. Designate a "Noise Disturbance Coordinator" who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City should be responsible for designating a Noise Disturbance Coordinator, and the project sponsor should be responsible for posting the phone number and providing construction schedule notices.) Implementation of these measures would reduce this impact to a ***less-than-significant*** level. (DSEIR p. 6-6.)

Finding. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant supplemental effect identified in the EIR.

Rationale for Finding. The mitigation ensures that a combination of techniques will be implemented to control and minimize construction noise exposure near sensitive residential and hotel uses, not only by reducing noise from construction equipment but also by locating construction activities as far from residential uses as possible, limiting the hours of construction generally to daytime, and providing a coordinator who can be contacted for local complaints.

Section 2: Findings Regarding Alternatives

In Section 1, the Agency identified the significant and potentially significant environmental effects of the Redevelopment Project Area merger and mitigation measures to avoid or reduce those impacts. The Project impacts derive from the new and renovated freeway signs that would be enabled through the merger. More specifically, the proposed signs are in prominent locations along I-880 and I-680 and include design and size to increase visibility to highway travelers by rising above the background development and by including electronic reader boards, among other features. The Agency found that some of the identified impacts would be reduced to less than significant through identified mitigation measures. The Agency further found that Impacts 4-1 (community image), 4-2 (visual intrusion) and 5-1 (land use compatibility) could not be reduced to less than significant even with mitigation. Through the findings in this Section, the Agency examines whether there are feasible alternatives that will substantially reduce the impacts that could not be mitigated to less than significance.

As further set forth below, the Agency considered the alternatives identified and analyzed in Chapter 9 of the Draft Supplemental EIR and finds that they do not

avoid the Project's significant impacts and/or are infeasible for specific economic, social, or other considerations pursuant to CEQA Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA Section 21061.1, CEQA Guidelines Section 15364.)

Alternative 1: No Project (Current Redevelopment Project Status) (DSEIR pp. 9-1 to 9-2.)

Under the No Project Alternative, the existing two redevelopment plans would remain in effect. Construction of new advertising signs and renovation or replacement of existing highway signs would not occur.

Finding: Infeasible. CEQA requires that a No Project alternative be identified and analyzed. This alternative would avoid all three of the Project's unavoidable impacts but would not achieve the economic improvement objectives of the Project as described in Section 3.2 of the Draft Supplemental EIR. Particularly for the Great Mall and other Merged Project Area businesses that are not located along I-880 and I-680, the proposed signs will function to provide the freeway visibility that the businesses' location does not provide. Without the signs along these busy freeways, the potential for increased awareness and patronage of businesses throughout the Merged Project Area will not occur.

Alternative 2: Fixed, Monument-Type Signs Only (No Electronic Message Boards) (DSEIR p. 9-3.)

Under Alternative 2, all the new and renovated signs would be fixed monument signs without any electronic rotating message boards.

Finding: Infeasible and does not avoid the Project's significant impacts. The electronic reader board signs would be a significant contributor to the three significant unavoidable impacts identified for the Project. To the extent this design would be eliminated from the new and renovated signs, the unavoidable impacts would be reduced, but not to a level of less than significant, as noted in the Draft Supplemental EIR analysis. Implementation of the identified mitigation measures would reduce the prominence and visibility of fixed signs, but substantial design, orientation and size reductions would be needed to reduce the impacts to less than significant, and would compromise the increased visibility and prominence that are the intent of the proposed signs.

Alternative 3: Reduced Sign Area and Height (DSEIR pp. 9-4 to 9-5.)

Under Alternative 3, the fixed and electronic designs would remain; however, the maximum heights would be reduced by 30%, to 45 feet, and the maximum sign areas would be reduced by 50%.

Finding: Infeasible and avoids some but not all of the Project's significant impacts. As noted in the Draft Supplemental EIR, the reduced height and sign area may possibly reduce Impact 4-1 regarding community image to less than significant. Impacts 4-2 regarding visual intrusion impacts to nearby homes and hotels and 5-1 regarding land use compatibility would be reduced, but not to less than significance. The reduced height and area would make the signs generally less distinguishable from the existing urban plane and existing context, but would forego the prominence and visibility that the proposed signs are intended to provide.

Alternative 4: Reduced Number of Signs (DSEIR p. 9-5.)

Under Alternative 4, the size, height and design of the signs would remain, but the maximum number would be reduced from 5 signs to 3 signs.

Finding: Infeasible and does not avoid the Project's significant impacts. Because the characteristics of the signs would remain, Impacts 4-1 and 5-1 related to the size and prominence of the signs would not be substantially reduced under this alternative and would remain significant. Some degree of visual intrusion identified in Impact 4-2 would be avoided but three signs would still be proposed and would be subject to the limited ability of the identified reorientation and shielding mitigation measures to be implemented without substantially compromising compliance with the Project objectives.

Section 3: Statement of Overriding Considerations

General. The Redevelopment Agency must adopt overriding considerations where significant impacts identified in the Final Supplemental EIR as significant cannot feasibly be avoided by mitigations or Project alternatives. The Agency believes that the unavoidable environmental effects identified in the Final Supplemental EIR may be reduced through mitigation measures adopted for the Project. Even with mitigation, the Agency recognizes that the implementation of the Project carries with it unavoidable adverse environmental effects as identified in the Final Supplemental EIR. The Agency specifically finds that to the extent that the identified adverse or potentially adverse impacts for the project have not been mitigated to acceptable levels, there are specific economic, social, environmental, land use, and other considerations that support approval of the Project.

Unavoidable Significant Adverse Impacts from the Final Supplemental EIR. The following unavoidable significant environmental impacts were identified in the Final Supplemental EIR.

Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image

Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses

Impact 5-1: Potential Adverse Land Use Compatibility Impacts

Overriding Considerations. The Agency now balances the above unavoidable impacts identified for the Project against its benefits, and hereby determines that the unavoidable impacts are outweighed by the benefits of the Redevelopment Project Area merger as further set forth below.

The City's adopted Redevelopment Plans provide comprehensive policies and programs to eliminate blight and increase economic activity in the two established Redevelopment Project Areas. The Agency recognizes the physical, economic, and social effects of blighted properties. These effects can include not only loss of property values, but also loss of tax base, and reduced incentives for businesses and residents to locate in deteriorated areas. The Project is intended to increase economic activity in the Project area as a means of increasing property values as well as the attractiveness of the area to businesses and residents. The proposed signs are directly related to this intent by providing advertising visibility for Project area businesses that are not generally visible from the freeways, as further discussed in the Supplemental EIR, staff reports, community meeting presentation materials and other materials contained in the record for the Project.

The Agency recognizes that the prominence and visibility of the proposed signs is consistent with the Project objectives, but also results in visual, aesthetic and land use compatibility impacts related to that prominence and visibility. On balance, the Agency finds that the benefits of increased awareness of Project area businesses by providing prominent advertising along busy freeways outweigh the adverse visual, aesthetic and compatibility impacts. The increased visibility of Project area businesses through the proposed signs is reasonably anticipated to increase awareness of and patronage for these businesses. Increased economic vitality within the Project area not only benefits the businesses directly, but also benefits the provision of housing generally and affordable housing through increased tax increment, 20% of which is required to be set aside for affordable housing.

On balance, and based on the entire record for the Project, including reports, documents, testimony and other information on file for the Project, the Agency finds that the benefits of approving the Redevelopment Project Area merger outweigh its unavoidable environmental effects.

Section 4: Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM-- PROPOSED MERGER OF MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 AND THE GREAT MALL REDEVELOPMENT PROJECT AREA

The Proposed Merger of Milpitas Redevelopment Project Area No. 1 and The Great Mall Redevelopment Project Area has been conditionally approved to require implementation of the mitigation measures listed in the second column below. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state mitigation monitoring requirements have been fulfilled with respect to Public Resources Code Section 21081.6.

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Impl. Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
AESTHETICS (VISUAL FACTORS)						
Impact 4-1: Potential Adverse Impact of Advertising Signs on Community Character and Image. Current development and vegetation along the I-880 and I-680 freeway segments approaching and traversing Milpitas form the visual perception from the freeway of a base, generally flat visual plane approximately 30 to 40 feet in average height that merges with the horizon. Visible exceptions near the I-880 freeway corridor include the twelve-story Crowne Plaza Hotel (maximum building height: approximately 145 feet) on Bellew Drive, the six-story Hilton Garden Inn Hotel (maximum height: approximately 75 feet) on Ranch Drive, and the five-story Staybridge Suites Hotel (maximum height: approximately 60 feet) on Cypress Drive, all the southwest quadrant of the I-880/Calaveras Boulevard interchange; the nine-story Sheraton San Jose Hotel (maximum building height: approximately 110 feet) on Barber Lane at the northwest quadrant of the I-880/Montague Expressway interchange; and the nine-story Embassy Suites Hotel (maximum building height: approximately 110 feet) on Calaveras Boulevard near the northwest quadrant of the I-680/Calaveras Boulevard interchange. By design, the new and renovated or replaced advertising signs would be highly prominent in the freeway view. When viewed from most freeway vantage points, the signs would extend significantly above the existing urban plane and would be seen against the open sky, attracting the focus of freeway drivers in the sign vicinity. The height and form of the proposed advertising signs could be perceived by many viewers as visually incongruous elements, having a substantially negative effect on the freeway driving experience. The internal illumination and, especially, the	**Mitigation 4-1**. Require City architectural design review approval for each of the new and renovated or replaced advertising sign designs. Formulate sign design criteria and sign designs which, to the satisfaction of the City's elected and appointed design review decision-makers, as determined through the City's architectural review process, will minimize the adverse visual (community image) impact of the signs. Effective means to reduce adverse visual impacts could include some combination of the following: ▪ reduction in top-of-sign height, ▪ reduction in sign area, ▪ reduction in electronic message board size, ▪ elimination of electronic message board components, and/or ▪ reduction in the mass of the sign support structure, perhaps through use of an open frame rather than solid structure. Implementation of such measures would serve to reduce the visual prominence and associated adverse visual impacts of the signs, but not assuredly to less-than-significant levels; therefore, this potential adverse visual effect has been determined to represent a ***significant unavoidable impact*** (i.e., would require City/ Redevelopment Agency adoption of a Statement of Overriding Considerations). Also, in addition to reducing the adverse aesthetic impacts of the signs, such measures	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		

nighttime illumination aspects of the proposed electronic message board components of the advertising signs would exacerbate this perceived effect. This combination of adverse visual effects would represent a ***significant adverse visual impact.***	could reduce sign effectiveness in meeting the project objectives--i.e., attracting attention to and promoting Merged Project Area businesses.					
Impact 4-2: Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses. The precise location of the proposed new freeway advertising signs has not yet been specified. If directly visible from adjacent or nearby visually-sensitive vantage points, including existing residential properties and hotel suites, the height, scale and form of the proposed new advertising signs proposed for location adjacent to the southbound I-680 approaches to Jacklin Road and Calaveras Boulevard and southbound I-880 approach to Calaveras Boulevard/Alviso-Milpitas Road/SR 237 could be perceived as visually outsized and obtrusive, with substantially adverse effects on the quality of these views. This effect could also be substantially exacerbated by the proposed internal illumination and, especially, nighttime illumination aspects of the proposed electronic message board components. This combination of adverse visual effects would represent a ***significant adverse visual impact.***	**Mitigation 4-2.** Require City architectural design review approval for each new and renovated or replaced advertising sign. To the extent possible, locate and orient the monument and, especially, the electronic message board signs, in a manner which avoids or minimizes their direct exposure to views from adjacent or nearby residential and hotel suite uses. In addition, aim, focus and shield any detached or attached spot or flood light sources sufficiently to prevent glare or overcast of illumination into adjacent or nearby residential or hotel suite vantage points. Location and orientation of the sign areas to avoid direct exposure to views from adjacent or nearby residential and hotel suite views would reduce this potential visual impact to less than significant levels, but may be impractical, given the advertising objectives of the signs. Therefore, mitigation of this potential adverse visual effect cannot be assured, and the potential effect has been determined to represent a ***significant unavoidable impact*** (i.e., would require City/Redevelopment Agency adoption of a Statement of Overriding Considerations).	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		
Impact 4-3: Potential Light and Glare Impacts. By design, the proposed monument and electronic message board advertising signs would be illuminated sufficiently to achieve visual prominence within the adjacent freeway corridor. Each advertising sign surface (northbound and southbound) is expected to be illuminated by a cluster of light fixtures aimed at the sign surface area. If these fixtures are not aimed properly, they may produce direct glare toward nearby residential and other surrounding uses. High-intensity, upward directed light fixtures and associated "stray light," as well as light from the internally illuminated electronic message board elements, could be visible from surrounding vantage points and could adversely affect nighttime viewing of the sky from nearby vantage points, especially if there is a high level of moisture in the air. Worst-case "stray light" impacts would be expected	**Mitigation 4-3**. Require City architectural design review approval for sign lighting designs along I-680. Formulate external and internal illumination designs which, to the satisfaction of the City's elected officials and appointed design review decision makers, incorporate adjustable illumination optics and other devices, including visors, which will effectively aim, focus and shield the light source and thereby prevent substantial "spill" light reflection upwards, above the sign. Implementation of this measure would reduce this impact to a ***less-than-significant level.***	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		

to occur during periods of dense fog when the sky area above the signs would be most noticeably illuminated by the stray light. The degree of "stray light" effects associated with the proposed new and renovated or replaced advertising signs would depend on the type and design of the lighting. Light fixture internal lense applications ("optics") and visor applications are commonly used by lighting designers to ensure that such external fixtures are properly aimed and their illumination area properly contained to only illuminate the sign area, with sharp cut-off at the sign area perimeter. Such applications (optics and visors) can also be adjustable, permitting post-installation adjustments by the lighting contractor to assure accurate illumination aiming and containment, with minimal glare impact to surroundings. Under the existing highly urbanized conditions along the I-880 freeway corridor, nighttime sky viewing is already significantly compromised by the existing myriad of stationary and mobile light sources, and this effect would therefore be *less-than-significant*. However, existing ambient nighttime illumination conditions along the I-680 corridor are not as intensive, and such adverse stray light/glare impacts on nighttime viewing of the sky from adjacent residential areas east of I-680 could be more highly noticeable, representing a ***significant impact.***						
LAND USE AND PLANNING						
Impact 5-1: Potential Adverse Land Use Compatibility Impacts. The proposed merger-enabled new advertising signs and renovated or replaced existing advertising signs may result in perceived height and scale incongruities and light and glare impacts that would be incompatible with existing residential and commercial lodging (hotel) land uses in the sign vicinities. These potential incompatibility effects, which are further described in this SEIR under Impacts 4-1 (Potential Adverse Impact of Advertising Signs on Community Character), 4-2 (Potential Visual Intrusion Impacts on Nearby Residential and Hotel Uses) and 4-3 (Potential Light and Glare Impacts), would be inconsistent with the City's adopted General Plan guiding land use principle to maintain "a highly amenable community environment" (Principle 2.9-G-1) and General Plan	**Mitigation 5-1:** Implement Mitigations 4-1, 4-2 and 4-3. As indicated under the Mitigation 4-3 statement in chapter 4 (Aesthetics) herein, implementation of this measure would reduce potential project light and glare impacts to a less-than-significant level. As indicated under the Mitigation 4-1 and 4-2 statements in chapter 4, herein, implementation of these two measures would serve to reduce the potential impacts of the merger-enabled advertising signs on community character and the potential visual intrusion impacts of the signs on nearby residential and hotel uses, but mitigation of these two impacts to less than significant levels would not be assured. Therefore, this associated land use compatibility effect would represent a ***significant unavoidable impact*** (requiring a Statement of Overriding Considerations).	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		

community identity policies to "preserve and maintain" the City's "physical setting" (Policy 2.a-I-9) and "foster community pride…through beautification of existing and future development" (Policy 2.a-I-10) and, therefore, represent a ***significant adverse land use compatibility impact.***						
NOISE						
Impact 6-1: Potentially Disturbing Operational Noise Impacts on Nearby Residential and Hotel Land Uses. The electronic message board components of the proposed new, renovated or replaced advertising signs have not yet been specified in detail. At this preliminary point, based on previous general experience with electronic message boards at other locations, it is assumed that the cycling (switching) sound of rotating message board "spots," typically at 8-to-10-second duration, may be at audible levels which result in nuisance complaints from residents of the nearest homes along and off of North Hillview Drive south of Jacklin Road or along North Hillview Drive north of Calaveras Boulevard. Similar complaints could also be anticipated from the operators of the nearest hotels at the I-880/ Calaveras Boulevard and I-880/Montague Expressway interchanges. All of these designated advertising sign locations are already subject to high existing ambient noise levels associated with the two freeways. Nevertheless, such noise effects could be noticeable and disturbing to nearby residents and hotel patrons during the nighttime hours (10:00 PM to 7:00 AM). The possibility of noticeable noise intrusion indicates a ***potentially significant noise impact*** unless adequate noise attenuation is incorporated into the electronic message board designs.	**Mitigation 6-1.** To avoid potential electronic message board disturbing noise impacts on the nearest homes and hotels, the electronic message board component designs shall incorporate noise reduction and attenuation remedies sufficient to limit exterior intermittent noise level effects at these nearest homes and hotels to levels (intensity, frequency) which, to the satisfaction of the City, do not constitute "disturbing noise" as defined in Milpitas Municipal Code Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement); Definition 2.01 ("disturbing noise"). Implementation of this measure would reduce this impact to a ***less-than-significant level.***	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		
Impact 6-2: Project Construction Period Noise. Construction activities associated with the proposed new, renovated or replaced advertising signs, depending upon the amount of activity, the type of construction equipment used, the noise control measures utilized, and the proximity to noise-sensitive uses, may expose nearest homes along the east side of Hillview Drive or Horcajo Circle (off Jacklin Road) or along the west side of North	**Mitigation 6-2.** To reduce the noise impacts from project-related sign construction activities, the following measures shall be implemented as a condition of sign-related grading and building permit approvals: (1) *Construction Scheduling.* Limit noise-generating construction activity to between the hours of 7:00 AM to 7:00 PM on weekdays and weekends (Milpitas	Redevelopment Agency	Redevelopment Agency	Prior to any new sign construction or existing sign renovation activity (i.e., prior to building permit issuance).		

Hillview Drive (off Calaveras Boulevard) and the nearest hotels in these areas, to noise levels that would interfere with normal activities. This possibility represents a ***potentially significant impact.***	Municipal Code, Title V, Section 213-3.03). (2) *Construction Equipment Mufflers and Maintenance*. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. (3) *Equipment Location*. Locate all stationary noise-generating equipment as far as possible from nearby residential uses. (4) *Construction Traffic*. Prohibit construction-related heavy truck traffic in residential areas where feasible. (5) *Quiet Equipment Selection*. Use quiet construction equipment, particularly air compressors, wherever possible. (6) *Noise Disturbance Coordinator*. Designate a "Noise Disturbance Coordinator" who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The City should be responsible for designating a Noise Disturbance Coordinator, and the project sponsor should be responsible for posting the phone number and providing construction schedule notices.) Implementation of these measures would reduce this impact to a ***less-than-significant level.***					

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