

*City of Milpitas*

Milpitas Stratford School Development Project  
Final Initial Study / Mitigated Negative Declaration



Prepared by:

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Prepared for:

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, California 95035

August 2021

# **MILPITAS STRATFORD SCHOOL DEVELOPMENT PROJECT**

## **Final Initial Study / Mitigated Negative Declaration**

**Prepared for:**

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455 E. Calaveras Boulevard  
Milpitas, California 95035

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**August 2021**

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- Appendix D – Stratford School Noise Technical Report

# I. INTRODUCTION

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## 1.1 PROJECT SUMMARY

The Stratford School Project (project), located at 125 North Milpitas Boulevard in the City of Milpitas, California, is the repurposing of an existing, vacant single-floor commercial building into the Stratford School campus. The scope of work includes demolishing and redesigning the interiors of the existing building of approximately 44,088 square feet. The school will include a multi-purpose hall; administrative block comprising offices, a conference room, work room, and breakroom for teachers; 20 classrooms (12 preschool, 4 kindergarten, and 4 elementary); external play areas; parking; and other site improvements.

## 1.2 PURPOSE OF THE FINAL IS/MND

The City of Milpitas (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the proposed project. This document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), comprise the Final IS/MND.

As described in §§ 15088, 15089, 15090 and 15132 of the *State CEQA Guidelines*, the Lead Agency must evaluate comments received on the Draft IS/MND and consider the information contained in the Final IS/MND before approving the project. Pursuant to *State CEQA Guidelines* § 15132, the Final IS/MND must consist of: (a) the Draft IS/MND or a revision of the Draft; (b) comments and recommendations received on the Draft IS/MND either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft IS/MND; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency.

Accordingly, the Final IS/MND for the project is comprised of two parts as follows:

Part 1: Final IS/MND with Appendices

Part 2: Draft IS/MND and Technical Appendices (with changes in redline)

## 1.3 OVERVIEW OF THE CEQA PUBLIC REVIEW PROCESS FOR THE FINAL IS/MND

In compliance with the *State CEQA Guidelines*, the City as the Lead Agency for the project, has provided opportunities for the public to participate in the environmental review process. As described below,

throughout the environmental review process, an effort was made to inform, contact, and solicit input from the public and various State, regional, and local government agencies and other interested parties on the project.

## **Notice of Intent to Adopt a Mitigated Negative Declaration**

In compliance with § 15082 of the *State CEQA Guidelines*, the City has provided opportunities for the public to participate in the environmental review process (see **Part I Appendix A, Public Comment Letters**). In compliance with § 21080 of the California Public Resources Code, a Notice of Completion (NOC) and a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and the Notice of Availability (NOA) were prepared by the City of Milpitas. The City, as the Lead Agency, filed the NOI/NOA with the Santa Clara County Clerk processed on June 22, 2021, and filed the NOC and NOI/NOA with the California State Clearinghouse Office of Planning and Research (OPR) processed on June 23, 2021 (Filing Number 2021060532) (see **Part I Appendix B, CEQA Forms**). A 30-day public comment period began on June 23, 2021 and ended on July 26, 2021. An electronic copy of the Draft IS/MND and all documents referenced therein were available online at: <http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>

A hard copy was available for review at:

Milpitas Library  
160 North Main Street  
Milpitas, CA 95035

In lieu of attending an in-person meeting to receive information and provide input on the Initial Study and Mitigated Negative Declaration, the City created an Online Public Forum so that residents may submit comments or questions about the document. The Online Public Forum could be accessed at <http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>.

The purpose of the NOI/NOA was to formally convey that the City was preparing a Draft IS/MND for the project and to solicit input regarding the scope and content of the environmental analysis to be included in the Certified IS/MND. The City received comments between June 23, 2021, and July 26, 2021; refer to **Table 1-1, Matrix of Comments Received in Response to the Draft IS/MND** and in **Section II, Responses to Comments**, of this Final IS/MND, for a comprehensive listing of all comments received.

## **Final Initial Study/Mitigated Negative Declaration /Notice of Determination**

Before approving a project, CEQA requires the Lead Agency to prepare and certify a Final IS/MND. The Draft IS/MND and the Final IS/MND will be submitted to the decision-makers for consideration of certification in connection with action on the Project.

The Final IS/MND is available for public review at:

Milpitas Library  
160 North Main Street  
Milpitas, CA 95035

The Final IS/MND and NOD are also available at: <http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>.

CEQA requires that the lead agency provide each agency that commented on the Draft IS/MND with a copy of the lead agency's proposed response at least 10 days before certifying the Final IS/MND. Lead agencies are required to notify OPR and/or the county clerk when they make a determination to approve a project subject to CEQA (*CEQA Guidelines*, Sections 15075 and 15094). A Notice of Decision or Determination (NOD) is a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.

## **Organization of the Final IS/MND**

The Final IS/MND consists of the following four chapters and two appendices (**Part I, Appendix A, Public Comment Letters, and Part 1 Appendix B, CEQA forms**):

- I. Introduction:** This chapter describes the purpose of the Final IS/MND, provides a summary of the Project, summarizes the Draft and Final IS/MND public review process, and presents the contents of the Final IS/MND.
- II. Comment Summary:** This chapter presents all comments received by the City during the 30-day public review period for the Draft IS/MND (June 23, 2021, through July 26, 2021) as well as responses to those comments. Letters received during the public comment period are included in **Appendix A, Public Comment Letters**, to the Final IS/MND.
- III. Corrections and Additions to the Draft Initial Study:** This chapter includes an explanation of the revisions to the Draft IS/MND that represent minor changes or additions in response to some of the comments received on the Draft IS/MND and additional edits to provide clarification of Draft IS/MND text. These changes do not add significant new information that would affect the analysis or conclusions presented in the Draft IS/MND.
- IV. Mitigation Monitoring and Reporting Program:** The Mitigation Monitoring and Reporting Program (MMRP) is the document that will be used by the enforcement and monitoring agencies responsible for the implementation of the project's mitigation measures. Mitigation measures are listed by environmental topic.

## II. COMMENT SUMMARY

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### 2.1 INTRODUCTION

Public Resources Code section 21091(f) and *State CEQA Guidelines* section 15074(b) provide that prior to carrying out or approving a project for which a negative declaration has been adopted, the lead agency shall consider the negative declaration together with comments that were received. Although not required by CEQA for an IS/MND, this Chapter of this Final IS/MND provides responses to each of the written comments on the Draft IS/MND received during the public comment period. **Table 2-1, Comments Received in Response to the Draft IS/MND**, provides a list of the comment letters received and a summary of the issues that were raised in comments on the Draft IS/MND.

**Chapter 2, Comment Summary**, presents comments submitted during the public comment period for the Draft IS/MND. A copy of each comment letter is provided in **Appendix A, Public Comment Letters**, of this Final IS/MND.

As required by *State CEQA Guidelines* section 15088(c), the focus of the responses to comments is “the disposition of significant environmental issues raised.” Therefore, detailed responses are not provided to comments that do not relate to relevant environmental issues. However, in some cases, additional information has been added for reference and clarity.

A total of two individuals provided comments and/or letters during the circulation period for the Draft IS/MND. This section includes copies of the letters and/or comments received, with the responses to the comments raised immediately following each letter.

Table 2-1  
Matrix of Comments Received in Response to the Draft IS/MND

Letter Number	Commenter	Aesthetics	Agriculture and Forestry	Air Quality/GHG	Biological Resources	Cultural/Tribal Resources	Energy	Geology/Soils/Paleo	Hazards and Hazardous Materials	Hydrology and Water Quality	Land Use Planning	Noise	Population and Housing	Transportation and Traffic	Tribal Cultural Resources	Energy	Public Services /Recreation/Utilities	Mineral/Wildfire	General/Other	Support
<b>Individuals</b>																				
IND-1	Todd Fouyer July 26, 2021																			
IND-2	Randy Suzuki <u>sjh22a@gmail.com</u> July 26, 2021																			

## 2.2 COMMENT REVIEW

Although not required to do so by CEQA, City of Milpitas has prepared responses to comments received on the Draft MND. As discussed in detail in the responses, the comments do not constitute substantial evidence of a potentially significant impact within the meaning of CEQA.

Any claim of a significant impact requires the support of substantial evidence. CEQA defines substantial evidence as “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” Pub. Res. Code § 21080(e)(1); *State CEQA Guidelines* §15384(b) . Substantial evidence must be “evidence of ponderable legal significance, reasonable in nature, credible, and of solid value, evidence that a reasonable mind might accept as adequate to support a conclusion,” *Coastal Hills Rural Preservation v. County of Sonoma*, 2 Cal.App.5th 1234 (2016). The law is clear that “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate,” does not constitute substantial evidence. Pub. Res. Code § 21081(e)(2); *State CEQA Guidelines* § 15384(a); see also *Newberry Springs Water Assn. v. County of San Bernardino*, 150 Cal. App. 3d 740 (1984).

Thus, even expert opinion does not constitute substantial evidence if it is not supported by facts, and courts have well established that “expert” testimony is not substantial when the party proffering that evidence is not qualified to render an opinion on the subject. *Cathay Mortuary, Inc. v. San Francisco Planning Comm'n*, 207 Cal. App. 3d 275 (1989). This is particularly true where, as here, the arguments that a significant impact could occur are not supported by substantial evidence; are in fact contradicted by the available evidence; and consist of nothing more than suppositions and assertions, not supported by facts, that certain things may occur. See, e.g., *Apt. Assn. of Greater Los Angeles v. City of Los Angeles*, 90 Cal. App. 4th 1162, 1175-76 (2001). Further, in evaluating whether a fair argument exists, courts will review the entire record and “give the lead agency the benefit of the doubt on any legitimate, disputed issues of credibility.” *Joshua Tree Downtown Business Alliance v. County of San Bernardino*, 1 Cal. App. 5th 677, 684 (2016). As described below in the individual responses to comments, the comments amount to speculation and argumentation, and fail to provide substantial evidence, as defined by CEQA. Consequently, they fail to establish a “fair argument” that a significant impact would occur to the environment.

In addition, with the California Natural Resources Agency’s certification and adoption of the changes to the CEQA Guidelines in 2018, automobile delay (traffic), as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).) This provision does not prohibit the use of LOS outside of the CEQA process.

**Comment Letter No. IND-1**

Todd Fouyer

Milpitas, CA

July 26, 2021

I am usually in favor of increased educational and recreational opportunities for children, but I fear the proposed location for the Stratford School at the former OSH store at 125 North Milpitas Blvd would be a mistake. The Transportation Impact Assessment failed to properly address several important issues.

The Vehicle Queueing Analysis indicated that the estimated maximum vehicle queues would exceed the vehicle storage capacity at the southbound left turn of North Milpitas Boulevard and Beresford Court/Town Center Drive intersection. Tables 4 and 5 show situations where both existing and existing + project are inadequate. No mitigating recommendations or requirements were included to correct this inadequacy.

Figure 7 in the report recommends the school monitor site access during peak loading periods. This can only be successful if traffic enforcement officers are monitoring traffic at all three driveways (A, B, and C) with the ability to cite drivers who fail to follow safe practices for the safety of pedestrians and other drivers.

The study also fails to consider the Terrace Gardens senior apartment complex located at the end of Beresford Court (it was mistakenly included in the Beresford Terrace/Meadows as low-density housing). There have been multiple near-miss accidents between pedestrians and vehicles on the street (even during the pandemic). The additional traffic generated by the school during the peak drop-off and pick-up times is almost certain to increase an already dangerous situation.

The proposed site for the Stratford School should be rejected and a more suitable location in Milpitas (like the other campus locations) should be found.

Thank you.



Todd Fouyer  
Milpitas Resident

**Comment Letter No. IND-2**

Randy Suzuki

Milpitas, CA

July 26, 2021

I'm a very concerned Beresford Terrace resident. Allowing Stratford School to move into 125 North Milpitas Boulevard is a horrible idea. This location wasn't designed to handle this type of traffic. The intersections are NOT adequate, I repeat, NOT adequate. I'm not against a neighborhood school. What I'm against is a neighborhood school in the wrong location. In real estate it's always about location, location, location. 125 North Milpitas Boulevard is the WRONG location.

The parking lot is only accessible from one direction while traveling North on North Milpitas Blvd and one direction while traveling South on North Milpitas Blvd. Traffic will back up in both North and South directions on North Milpitas Blvd and on Beresford Court. When traffic begins to back up on North Milpitas Boulevard I guarantee parents will start racing through Beresford Meadows and Beresford Terrace in an attempt to get around the backed up traffic and the same on Beresford Court. Beresford Terrace and Beresford Meadows are private streets with 15 MPH speed limits. Parents notoriously block intersections and don't follow traffic rules while in a hurry to drop their children off so they can race to work. This is a general problem at all schools, private and public and even worse when it's a small court that leads to residential neighborhoods and a senior apartment complex.

All this extra traffic in the mornings and afternoons will not only make it difficult for residents of Beresford Terrace, Beresford Meadows and Beresford Village to safely leave and return to their homes, it will make it down right dangerous for the seniors living in Terrace Gardens whether on foot or in cars! Terrace Gardens is a high density senior apartment complex (62+) that was NOT mentioned in the environmental impact study. Why was Terrace Gardens, the senior apartment complex, lumped with Beresford Terrace and Beresford Meadows in this environmental study? Was it accidental or out of convenience? I'm angry they were not separately included in this environmental study. The Milpitas planning department should have caught this serious omission and required the environmental study to be amended. Beresford Court is the only access road for Terrace Gardens. I fear for their safety and ability to receive emergency medical attention with the added traffic. Many of these seniors walk to the stores, restaurants, and Quest Diagnostics. It's already dangerous for them to cross North Milpitas Blvd. Allowing Stratford School to move in will make

(Continued below)

Beresford Court dangerous too! I witnessed many cars nearly hit the seniors slowly crossing at crosswalks as the traffic sits today. Do you honestly think distracted, hurried parents will be more careful and will quickly move out of the way of emergency vehicles and keep a watchful eye for senior pedestrians?

While walking or driving on Beresford Court I've had countless near misses from regular traffic carelessly pulling out or turning left in front of me from both sides of parking lots.

Stratford School might single handedly put the small business owners out of business if they aren't able to receive deliveries to their restaurants. With all the cars funneling in and out behind and in front of the businesses how will delivery trucks get in? When a business places an order they don't get to choose the delivery time. You may choose a delivery window but not specific times. Restaurants need to receive deliveries in the morning to prepare for lunch and dinner! How will these businesses receive their daily deliveries if they can't access the back or front of their restaurants? How will their garbage be serviced in the mornings? The businesses have garbage collection in the mornings at the rear of the buildings. Think about these long time small business owners that have been here for decades.

Staggered drop off is a nice thought but it won't alleviate traffic. They can only stack 63 cars in line. The school capacity is listed as 480 students which will probably net close to 400 individual cars. Even if we estimate as low as 350 individual cars, that means nearly 50 cars will be backed up onto Beresford Court and North Milpitas Boulevard. How will over 100 cars per staggered drop-off/pick-up time continually flow into the school then onto North Milpitas Boulevard with a signal light right outside the driveway? The math doesn't add up! Daily traffic nightmare! They propose a school security guard will be able to handle this traffic nightmare. Let me repeat that, a school security guard. Please say that out loud.

If Stratford School moves in, those near misses from cars pulling in and out of Beresford Court will turn into an all day occurrence and soon lead to injuries. How many people will have to be injured before something is done? Take action now for the safety of the residents at Terrace Gardens (senior apartments), Beresford Terrace, Beresford Meadows, Beresford Village and don't allow Stratford School to move in.

Thank you,  
Randy Suzuki  
Milpitas Resident

## **Response to Comments No. IND-1 and IND-2**

Thank you for your comment and participation in the CEQA process.

Pursuant to the California Natural Resources Agency's certification and adoption of the changes to the State CEQA Guidelines in 2018, automobile delay (traffic), as measured by "level of service" (LOS) and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).) This provision does not prohibit the use of LOS outside of CEQA. Therefore, any impacts as a result of traffic or level-of-service increases due to the project are not considered an impact or analyzed under CEQA. While the proposed project's potential effect on automobile delay shall not constitute a significant environmental impact under State CEQA Guidelines section 15064.3, the City nevertheless had a traffic study prepared to analyze impacts to traffic. The traffic study was prepared by a certified/licensed traffic engineer using standard industry practices required in the State of California to assess impacts to LOS for various types of development projects.

### **Low-Density Residential and inclusion of Terrace Gardens Senior Apartment Complex**

The reference to low-density in the Final IS/MND has been updated to reflect the recently approved (March 2021) Milpitas General Plan Land Use Designations. Low- to Medium-Density describes the existing conditions directly adjacent to the project site. The traffic counts conducted for the traffic study included all traffic passing through Beresford Court and at the Milpitas Boulevard/Beresford Court intersection. Therefore, traffic to and from Terrace Gardens was taken into account in the analysis.

### **School student loading/unloading**

Based on findings from the traffic analysis, the project site and operation plan would provide adequate onsite vehicle storage during the peak student loading periods of a typical school day. The school area provides a drop-off loop that would be approximately 1,200 feet which is adequate to accommodate the 290 feet of vehicle queue based on the proposed staggered school schedules.

### **Queuing at southbound left turn lane at North Milpitas Boulevard/Beresford Court**

As mentioned in the traffic study, the project would add up to one vehicle to the 95th percentile vehicle queue at the southbound left turn lane during the AM peak hour only and the intersection is projected to operate at an acceptable level of service under existing plus project conditions.

### **Traffic backup in both directions on North Milpitas Boulevard and Beresford Court**

Based on findings from the traffic analysis, the intersection at North Milpitas Boulevard/Beresford Court is projected to operate at acceptable level of service during commute AM, school PM, and commute PM peak hours under project conditions. With the proposed staggered school schedules, the onsite queues at the driveways would generally not interfere with public street traffic operations on Milpitas Boulevard and Beresford Court. Therefore, it is not anticipated that vehicles will use the private streets in Beresford Terrace and Beresford Meadows, which have multiple speed bumps and stop signs, to access the project site.

In addition to the security guard that will be stationed at Driveway C to direct unloaded vehicles to efficiently exit the school, the project will also station additional security guards at key locations around the school site to monitor and enforce the flow of traffic in order to ensure safety and compliance with arrival and departure procedures.

## *II. Comment Summary*

Business delivery trucks typically try to avoid peak hour traffic and prefer to deliver their goods during off-peak hours outside the student arrival and departure windows of schools. In addition, the available vehicle storage of 1,200 feet would be adequate to accommodate the expected 290 feet of vehicle queue at the back of the school based on the proposed staggered school schedules. Therefore, it is not anticipated that the business delivery activities at the shopping center will be substantially impacted.

## **III. CORRECTIONS AND ADDITIONS TO THE DRAFT INITIAL STUDY**

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### **3.1 CORRECTIONS AND ADDITIONS**

Corrections and additions to the Draft Initial Study/Mitigated Negative Declaration (IS/MND) that have resulted from updated plans submitted by the Applicant, as well as responses to comments, have been made in track changes. All corrections and additions to the Draft Initial Study/MND were made to increase the understanding of the IS/MND. These changes are minor and do not change the findings or conclusions of the IS/MND. These changes can be found in **Part 2, Draft IS/MND and Technical Appendices** (with changes in redline) of this document.

The corrections and additions provide information that is not required as a result of the following: new significant environmental impacts; substantial increases in the severity of the environmental impacts that have been proposed; the presentation of new, considerably different, and feasible alternatives or mitigation measures that would lessen the environmental impacts and were not adopted by the applicant; or the inadequacy of the Draft IS/MND. The updates presented in the Draft document are consistent with the findings as presented in the IS/MND and/or are minor.

## **IV. MITIGATION MONITORING AND REPORTING PROGRAM**

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### **4.1 INTRODUCTION**

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code § 21081.6 (a)(1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an Initial Study / Mitigated Negative Declaration (IS/MND) has been prepared, to ensure that mitigation measures identified in the IS/MND are fully implemented.

### **4.2. MITIGATION MONITORING AND REPORTING PROGRAM DESCRIPTION**

#### **Compliance**

The City of Milpitas will coordinate monitoring activities and document the implementation of mitigation measures. **Table 4-1, 501 and 125 North Milpitas Boulevard Development Project Mitigation and Monitoring Reporting Program**, below, identifies the mitigation measures, the monitoring actions, the implementing entities, the responsible parties for monitoring actions, and the timing of mitigation actions. The entity identified as having implementing responsibility has the primary duty to execute the mitigation measures. The “applicant” shall refer to the entity seeking entitlements for development of the project in the project area. In some instances, this may require contracting for specialized consultant services. In instances where the implementing responsibility is shared between the City and construction contractors, the City would be responsible for ensuring that the mitigation requirements are implemented.

#### **Field Monitoring of Mitigation Measures**

Prior to the issuance of grading and building permits, while detailed development plans are being prepared for approval by City staff, City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase.

During construction and following the project, the City’s Department of Building and Safety will assign inspectors who will be responsible for monitoring the implementation of the mitigation measures. The inspectors will report to the City’s Inspection Bureau Chief and will be thoroughly familiar with the mitigation measures in the MMRP. In addition, mitigation measures applicable during the construction phase will be included as notes on the Construction Plans (as appropriate), so that all contractors are

informed of the requirements. The inspectors will be familiar with construction contract requirements, schedules, standard construction practices, and mitigation techniques. The developer will be responsible for carrying out the mitigation measures, while the City will be responsible for monitoring of construction activities and reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures. The City will also have the authority to enforce mitigation measures by suspending particular construction activities.

Once construction has been completed, the City will monitor the project as necessary.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) criminal prosecution and/or administrative fines; (6) forfeiture of security bonds or other guarantees; and (7) revocation of permits or other entitlements.

## **Changes to Mitigation Measures**

By adopting this Mitigation Monitoring and Reporting Program, the City Council is delegating limited authority to City staff to make changes to this document, subject to specific limitations. Any substantive change in the monitoring plan made by City staff shall be reported in writing to the Planning Division and City Council. Modifications to the mitigation may be made by City staff subject to one of the following findings, documented by evidence included in the record:

- a. The mitigation measure included in the Final IS/MND and MMRP is no longer required because the significant environmental impact identified in the IS/MND has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.

- or -

- b. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the IS/MND and the MMRP; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to, or greater than, those which were considered by the responsible hearing bodies in their decisions on the IS/MND and the Project; and the modified or substitute mitigation measures are feasible, and the City through measures included in the MMRP or other City procedures can ensure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

## **Mitigation Monitoring and Reporting Program**

**Table 4-1** presented on the following pages provides the MMRP for the project. The MMRP identifies the following:

1. an explanation of each impact by issue area, summarized as an impact statement;
2. the full text of the mitigation measure(s) applicable to each impact statement;
3. the method and/or process by which the mitigation measure will be implemented;
4. the timing of implementation of each mitigation measure; and
5. the party responsible for ensuring implementation of each mitigation measure.

After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made by the Applicant or its successor subject to the approval by the City of Milpitas through a public hearing. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary in light of the proto-typical nature of the MMRP, and the need to protect the environment with a workable program. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

**Table 4-1**  
**125 North Milpitas Boulevard Development Project: Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	Monitoring Responsibility	Timing
<b>Hazards and Hazardous Materials</b>			
<b>Impact-HAZ-b:</b> Development of the proposed project would not 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 with mitigation.	<b>MM-HAZ-1:</b> Every contractor/employer who performs work at project site shall assess California Division of Occupational Safety and Health (Cal-OSHA) worker protection rules, California Department of Public Health certification requirements, U.S. Environmental Protection Agency (EPA) standards, and state and federal disposal requirements. Any demolition activities likely to disturb lead-based paint/coatings or lead containing materials (LCMs) shall be carried out by a contractor trained and qualified to conduct lead-related construction work, and all lead-related work shall be performed in accordance with the U.S. Office of Housing and Urban Development guidelines (ProTech 2013). must be disposed of in accordance with the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants and LCMs must be handled in accordance with the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1) and disposed of in accordance with California Department of Toxic Substances Control and EPA requirements for hazardous waste. Demolition plans and contract specifications shall incorporate any necessary abatement measures required under these guidelines and regulations.	<b>Enforcement Agency:</b> City of Milpitas Planning Department <b>Monitoring Agency:</b> Milpitas Department of Building and Safety; Construction Contractor	<b>Monitoring Phase:</b> Pre-construction and construction <b>Monitoring Frequency:</b> Ongoing, during site inspection <b>Action Indicating Compliance:</b> End of excavation.

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**APPENDIX A**  
**Public Comment Letters**

July 26, 2021

Milpitas Planning Department  
C/o Lillian VanHua  
455 East Calaveras Boulevard  
Milpitas, CA 95035  
[Ivanhua@ci.milpitas.ca.gov](mailto:Ivanhua@ci.milpitas.ca.gov)  
(408) 586-3073

Re: Proposed Stratford School Comment

I am usually in favor of increased educational and recreational opportunities for children, but I fear the proposed location for the Stratford School at the former OSH store at 125 North Milpitas Blvd would be a mistake. The Transportation Impact Assessment failed to properly address several important issues.

The Vehicle Queueing Analysis indicated that the estimated maximum vehicle queues would exceed the vehicle storage capacity at the southbound left turn of North Milpitas Boulevard and Beresford Court/Town Center Drive intersection. Tables 4 and 5 show situations where both existing and existing + project are inadequate. No mitigating recommendations or requirements were included to correct this inadequacy.

Figure 7 in the report recommends the school monitor site access during peak loading periods. This can only be successful if traffic enforcement officers are monitoring traffic at all three driveways (A, B, and C) with the ability to cite drivers who fail to follow safe practices for the safety of pedestrians and other drivers.

The study also fails to consider the Terrace Gardens senior apartment complex located at the end of Beresford Court (it was mistakenly included in the Beresford Terrace/Meadows as low-density housing). There have been multiple near-miss accidents between pedestrians and vehicles on the street (even during the pandemic). The additional traffic generated by the school during the peak drop-off and pick-up times is almost certain to increase an already dangerous situation.

The proposed site for the Stratford School should be rejected and a more suitable location in Milpitas (like the other campus locations) should be found.

Thank you.



Todd Fouyer  
Milpitas Resident

## Vanessa Williford

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**Subject:** FW: [BULK] Stratford School Planning Public Hearing

**Importance:** Low

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**From:** Planning Department <[planningdepartment@ci.milpitas.ca.gov](mailto:planningdepartment@ci.milpitas.ca.gov)>

**Sent:** Tuesday, July 27, 2021 6:44 AM

**To:** Lillian VanHua <[lvanhua@ci.milpitas.ca.gov](mailto:lvanhua@ci.milpitas.ca.gov)>; Ned Thomas <[nthomas@ci.milpitas.ca.gov](mailto:nthomas@ci.milpitas.ca.gov)>

**Subject:** FW: [BULK] Stratford School Planning Public Hearing

**Importance:** Low

**From:** Randy Suzuki <[sih22a@gmail.com](mailto:sih22a@gmail.com)>

**Sent:** Monday, July 26, 2021 10:15 PM

**To:** Planning Department <[planningdepartment@ci.milpitas.ca.gov](mailto:planningdepartment@ci.milpitas.ca.gov)>

**Subject:** [BULK] Stratford School Planning Public Hearing

**Importance:** Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

To: Milpitas Planning Department; Lillian VanHua

I'm a very concerned Beresford Terrace resident. Allowing Stratford School to move into 125 North Milpitas Boulevard is a horrible idea. This location wasn't designed to handle this type of traffic. The intersections are NOT adequate, I repeat, NOT adequate. I'm not against a neighborhood school. What I'm against is a neighborhood school in the wrong location. In real estate it's always about location, location, location. 125 North Milpitas Boulevard is the WRONG location.

The parking lot is only accessible from one direction while traveling North on North Milpitas Blvd and one direction while traveling South on North Milpitas Blvd. Traffic will back up in both North and South directions on North Milpitas Blvd and on Beresford Court. When traffic begins to back up on North Milpitas Boulevard I guarantee parents will start racing through Beresford Meadows and Beresford Terrace in an attempt to get around the backed up traffic and the same on Beresford Court. Beresford Terrace and Beresford Meadows are private streets with 15 MPH speed limits. Parents notoriously block intersections and don't follow traffic rules while in a hurry to drop their children off so they can race to work. This is a general problem at all schools, private and public and even worse when it's a small court that leads to residential neighborhoods and a senior apartment complex.

All this extra traffic in the mornings and afternoons will not only make it difficult for residents of Beresford Terrace, Beresford Meadows and Beresford Village to safely leave and return to their homes, it will make it down right dangerous for the seniors living in Terrace Gardens whether on foot or in cars! Terrace Gardens is a high density senior apartment complex (62+) that was NOT mentioned in the environmental impact study. Why was Terrance Gardens, the senior apartment complex, lumped with Beresford Terrace and Beresford Meadows in this environmental study? Was it accidental or out of convenience? I'm angry they were not separately included in this environmental study. The Milpitas planning department should have caught this serious omission and required the environmental study to be amended. Beresford Court is the only access road for Terrace Gardens. I fear for their safety and ability to receive emergency medical attention with the added traffic. Many of these seniors walk to the stores, restaurants, and Quest Diagnostics. It's already dangerous for them to cross North Milpitas Blvd. Allowing Stratford School to move in will make

Beresford Court dangerous too! I witnessed many cars nearly hit the seniors slowly crossing at crosswalks as the traffic sits today. Do you honestly think distracted, hurried parents will be more careful and will quickly move out of the way of emergency vehicles and keep a watchful eye for senior pedestrians?

While walking or driving on Beresford Court I've had countless near misses from regular traffic carelessly pulling out or turning left in front of me from both sides of parking lots.

Stratford School might single handedly put the small business owners out of business if they aren't able to receive deliveries to their restaurants. With all the cars funneling in and out behind and in front of the businesses how will delivery trucks get in? When a business places an order they don't get to choose the delivery time. You may choose a delivery window but not specific times. Restaurants need to receive deliveries in the morning to prepare for lunch and dinner! How will these businesses receive their daily deliveries if they can't access the back or front of their restaurants? How will their garbage be serviced in the mornings? The businesses have garbage collection in the mornings at the rear of the buildings. Think about these long time small business owners that have been here for decades.

Staggered drop off is a nice thought but it won't alleviate traffic. They can only stack 63 cars in line. The school capacity is listed as 480 students which will probably net close to 400 individual cars. Even if we estimate as low as 350 individual cars, that means nearly 50 cars will be backed up onto Beresford Court and North Milpitas Boulevard. How will over 100 cars per staggered drop-off/pick-up time continually flow into the school then onto North Milpitas Boulevard with a signal light right outside the driveway? The math doesn't add up! Daily traffic nightmare! They propose a school security guard will be able to handle this traffic nightmare. Let me repeat that, a school security guard. Please say that out loud.

If Stratford School moves in, those near misses from cars pulling in and out of Beresford Court will turn into an all day occurrence and soon lead to injuries. How many people will have to be injured before something is done? Take action now for the safety of the residents at Terrace Gardens (senior apartments), Beresford Terrace, Beresford Meadows, Beresford Village and don't allow Stratford School to move in.

Thank you,  
Randy Suzuki  
Milpitas Resident

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**APPENDIX B**  
**CEQA Forms**

**County of Santa Clara**  
**Office of the County Clerk-Recorder**  
**Business Division**



County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

**PLEASE COMPLETE THE FOLLOWING:**

1. LEAD AGENCY: City of Milpitas
2. PROJECT TITLE: Milpitas Stratford School Development Project
3. APPLICANT NAME: Stratford School PHONE: 408-973-7320
4. APPLICANT ADDRESS: 12930 Saratoga Ave, Suite A-2, Saratoga, CA 95070
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.

**7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT**

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)	\$ 3,445.25	\$ 0.00
<input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,480.25	\$ 0.00
<input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>	\$ 1,171.25	\$ 0.00
<input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. <u>NOTICE OF EXEMPTION</u> (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		

DOCUMENT TYPE:  ENVIRONMENTAL IMPACT REPORT  NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: Notice of Completion (NOC) FEE (IF APPLICABLE): \$ NO FEE

9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

## Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

**Project Title:** Milpitas Stratford School Development Project

Lead Agency: City of Milpitas

Contact Person: Lillian VanHua

Mailing Address: 455 E. Calaveras Blvd.

Phone: lvanhua@ci.milpitas.ca.gov

City: Milpitas

Zip: 95035

County: Santa Clara

**Project Location:** County: Santa Clara

City/Nearest Community: Milpitas

Cross Streets: N. Milpitas Blvd./Town Center Dr.

Zip Code: 95035

Longitude/Latitude (degrees, minutes and seconds): 37 ° 26 ' 08 " N / 121 ° 54 ' 08 " W Total Acres: 1.01

Assessor's Parcel No.: 028-22-016

Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_

Waterways: None

Airports: None

Railways: Union Pacific

Schools: Curtner ES, Milpitas HS

### Document Type:

CEQA:  NOP  
 Early Cons  
 Neg Dec  
 Mit Neg Dec

Draft EIR  
 Supplement/Subsequent EIR  
 (Prior SCH No.) \_\_\_\_\_  
 Other: \_\_\_\_\_

NEPA:  NOI  
 EA  
 Draft EIS  
 FONSI

Other:  Joint Document  
 Final Document  
 Other: \_\_\_\_\_

### Local Action Type:

General Plan Update  
 General Plan Amendment  
 General Plan Element  
 Community Plan

Specific Plan  
 Master Plan  
 Planned Unit Development  
 Site Plan

Rezone  
 Prezone  
 Use Permit  
 Land Division (Subdivision, etc.)

Annexation  
 Redevelopment  
 Coastal Permit  
 Other: \_\_\_\_\_

### Development Type:

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Educational: Preschool/Elementary  
 Recreational: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

Transportation: Type \_\_\_\_\_  
 Mining: Mineral \_\_\_\_\_  
 Power: Type \_\_\_\_\_ MW  
 Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Hazardous Waste: Type \_\_\_\_\_  
 Other: \_\_\_\_\_

### Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input checked="" type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input checked="" type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input checked="" type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Land Use
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

### Present Land Use/Zoning/General Plan Designation:

Commercial Building / TC (Town Center) / Town Center (TWC)

**Project Description:** (please use a separate page if necessary)

The project would repurpose an existing, vacant single floor commercial building into the Stratford School campus. The scope of work includes demolishing and redesigning the interiors of the existing building of approximately 44,088 square feet. The school will include a multi-purpose hall; administrative block comprised of offices, a conference room, work room, and breakroom for teachers; 20 classrooms (12 preschool, 4 kindergarten, 4 elementary); external play areas; parking; and other site improvements.

## Reviewing Agencies Checklist

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Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # 4	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # 2
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 3	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

Starting Date June 23, 2021 Ending Date July 26, 2021

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### Lead Agency (Complete if applicable):

Consulting Firm: Impact Sciences, Inc.  
Address: 811 W. 7th Street, Suite 200  
City/State/Zip: Los Angeles, CA 90017  
Contact: Vannessa Williford  
Phone: 213-935-1901 Ext. 235

---

Applicant: Stratford School  
Address: 12930 Saratoga Ave., Suite A-2  
City/State/Zip: Saratoga, CA 95070  
Phone: 408-973-7320

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Signature of Lead Agency Representative: *Vannessa Williford* Date: 6/22/21

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Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**County of Santa Clara**  
**Office of the County Clerk-Recorder**  
**Business Division**



County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688

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<input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. **PROJECTS THAT ARE EXEMPT FROM DFG FEES**

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<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		

DOCUMENT TYPE:  ENVIRONMENTAL IMPACT REPORT  NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. **NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES**

<input type="checkbox"/> NOTICE OF PREPARATION	<input checked="" type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

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"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

**NOTICE OF AVAILABILITY (NOA) / NOTICE OF INTENT (NOI) TO  
ADOPT AN INITIAL STUDY / MITIGATED NEGATIVE  
DECLARATION FOR THE MILPITAS STRATFORD SCHOOL  
DEVELOPMENT PROJECT**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines § 15087 (d), City Staff have prepared a Draft Initial Study / Mitigated Negative Declaration (IS/MND) that identifies and evaluates the environmental impacts of the below-named Milpitas Stratford School Development Project.

**PROJECT TITLE:** Milpitas Stratford School Development Project

**PROJECT LOCATION:** 125 N. Milpitas Blvd., Milpitas, CA 95035

**PROJECT DESCRIPTION:** A Conditional Use Permit and Minor Site Development Permit for the development and operation of a 44,088-square foot private preschool and elementary school. The Stratford School will renovate an existing 44,088-square foot vacant building and construct 12 preschool/ pre-kindergarten classrooms, four kindergarten classrooms, and four first and second grade elementary school classrooms with a total of 480 students and 56 staff. In addition, the Project includes a multi-purpose hall, administrative block comprised of offices, conference room, work room, and breakroom for the teachers, and two playgrounds. A Conditional Use Permit is required for the proposed school use. A Minor Site Development Permit is also required for the exterior renovations to the building and site.

**ENVIRONMENTAL REVIEW AND DOCUMENT AVAILABILITY:** The Initial Study and Mitigated Negative Declaration is available online at:

<http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>

The City of Milpitas Planning Department is currently closed to the public. A hard copy of the IS/MND is available for review at the Milpitas Library, 160 North Main Street, Milpitas, CA 95035.

Written public comment on the Initial Study and Mitigated Negative Declaration may be submitted between June 23, 2021 and July 26, 2021 to the Milpitas Planning Division.

**Please submit comments on the Draft IS/MND by July 26, 2021 at 5:00 PM via:**

**Email:** [ivanhua@ci.milpitas.ca.gov](mailto:ivanhua@ci.milpitas.ca.gov)

**Mail:**

ATTN: Lillian VanHua, Associate Planner  
City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035-5411

**NOTICE OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ONLINE PUBLIC FORM:** In lieu of attending an in-person meeting to receive information and provide input on the Initial Study and Mitigated Negative Declaration, Milpitas residents may submit comments or questions about

the document via the Online Public Form. Information on the Initial Study and Mitigated Negative Declaration online public forum can be accessed at <http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>.

**PLANNING COMMISSION CONSIDERATION:** It is anticipated that the Planning Commission will consider this Mitigated Negative Declaration, all written comments received by July 26, and the project proposal at its virtual meeting on August 11, 2021 at 7:00 p.m. Detailed instructions shall be published on the meeting agenda posted on the City's website 72 hours prior to the meeting for any person wishing to provide live comments during the public hearing portion of the meeting. The Public Hearing will be held via the Internet.

# MILPITAS STRATFORD SCHOOL DEVELOPMENT PROJECT

## Summary

<b>SCH Number</b>	2021060532
<b>Lead Agency</b>	City of Milpitas
<b>Document Title</b>	MILPITAS STRATFORD SCHOOL DEVELOPMENT PROJECT
<b>Document Type</b>	MND - Mitigated Negative Declaration
<b>Received</b>	6/23/2021
<b>Present Land Use</b>	Commercial Building / TC (Town Center) / Town Center (TWC)
<b>Document Description</b>	The project would repurpose an existing, vacant single floor commercial building into the Stratford School campus. The scope of work includes demolishing and redesigning the interiors of the existing building of approximately 44,088 square feet. The school will include a multi-purpose hall; administrative block comprised of offices, a conference room, work room, and breakroom for teachers; 20 classrooms (12 preschool, 4 kindergarten, 4 elementary); external play areas; parking; and other site improvements.

---

## Contact Information

<b>Name</b>	Lillian VanHua
<b>Agency Name</b>	Associate Planner City of Milpitas
<b>Contact Types</b>	Lead/Public Agency
<b>Address</b>	455 E Calaveras Blvd Milpitas, CA 95035
<b>Phone</b>	(408) 586-3073
<b>Email</b>	lvanhua@ci.milpitas.ca.gov

---

## Location

<b>Cities</b>	Milpitas
<b>Counties</b>	Santa Clara, Santa Cruz
<b>Regions</b>	Citywide

<b>Cross Streets</b>	N. Milpitas Blvd./Town Center Dr.
<b>Zip</b>	95035
<b>Total Acres</b>	1.01
<b>Parcel #</b>	028-22-016
<b>Other Location Info</b>	455 E. Calaveras Blvd.

---

## Notice of Completion

<b>Review Period Start</b>	6/23/2021
<b>Review Period End</b>	7/26/2021
<b>Development Types</b>	Educational (Stratford School campus)
<b>Local Actions</b>	Site Plan, Use Permit, Redevelopment
<b>Project Issues</b>	Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mandatory Findings of Significance, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire
<b>Reviewing Agencies</b>	California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Education, California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW), California Department of Fish and Wildlife, Marin Region 7 (CDFW), California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California State Lands Commission (SLC), Department of General Services (DGS), Department of Toxic Substances Control, San Francisco Bay Conservation and Development Commission (BCDC), State Water Resources Control Board, Division of Water Quality

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## Attachments

**Draft Environmental Document [Draft IS, NOI\_NOA\_Public notices, OPR Summary Form, Appx,]**

Appendix A - AQ and GHG Technical Study\_combined [\[PDF\]](#) **3058 K**

Appendix B Milpitas Stratford School Transportation Study [\[PDF\]](#) **6625 K**

Appendix C SLF and Tribal Correspondence\_combined [\[PDF\]](#) **16235 K**

Appendix D Stratford School Noise Technical Report\_combined [\[PDF\]](#) **24682 K**

Milpitas Stratford School IS-MND\_COMBINED\_electronic [\[PDF\]](#) **19628 K**

NOA\_NOI [\[PDF\]](#) **89 K**

SCH Summary Form [\[PDF\]](#) **133 K**

**Disclaimer:** The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) or via phone at [\(916\) 445-0613](tel:(916)445-0613). For more information, please visit [OPR's Accessibility Site](#).

**County of Santa Clara**  
Office of the County Clerk-Recorder  
Business Division

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688



**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Milpitas  
2. PROJECT TITLE: Milpitas Stratford School Development Project  
3. APPLICANT NAME: Stratford School PHONE: 408-973-7320  
4. APPLICANT ADDRESS: 12930 Saratoga Ave, Suite A-2, Saratoga, CA 95070  
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity  
6. NOTICE TO BE POSTED FOR 30 DAYS.  
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 3,445.25	\$ 0.00
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,480.25	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 1,171.25	\$ 0.00
<input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		

DOCUMENT TYPE:  ENVIRONMENTAL IMPACT REPORT  NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input checked="" type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
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8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: **"SAME PROJECT"** MEANS **NO CHANGES**. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A **"NO EFFECT DETERMINATION"** LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE **SUBSEQUENT** FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (**INCLUDING COPIES**) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

**NOTICE OF AVAILABILITY (NOA) / NOTICE OF INTENT (NOI) TO  
ADOPT AN INITIAL STUDY / MITIGATED NEGATIVE  
DECLARATION FOR THE MILPITAS STRATFORD SCHOOL  
DEVELOPMENT PROJECT**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines § 15087 (d), City Staff have prepared a Draft Initial Study / Mitigated Negative Declaration (IS/MND) that identifies and evaluates the environmental impacts of the below-named Milpitas Stratford School Development Project.

**PROJECT TITLE:** Milpitas Stratford School Development Project

**PROJECT LOCATION:** 125 N. Milpitas Blvd., Milpitas, CA 95035

**PROJECT DESCRIPTION:** A Conditional Use Permit and Minor Site Development Permit for the development and operation of a 44,088-square foot private preschool and elementary school. The Stratford School will renovate an existing 44,088-square foot vacant building and construct 12 preschool/ pre-kindergarten classrooms, four kindergarten classrooms, and four first and second grade elementary school classrooms with a total of 480 students and 56 staff. In addition, the Project includes a multi-purpose hall, administrative block comprised of offices, conference room, work room, and breakroom for the teachers, and two playgrounds. A Conditional Use Permit is required for the proposed school use. A Minor Site Development Permit is also required for the exterior renovations to the building and site.

**ENVIRONMENTAL REVIEW AND DOCUMENT AVAILABILITY:** The Initial Study and Mitigated Negative Declaration is available online at:

<http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>

The City of Milpitas Planning Department is currently closed to the public. A hard copy of the IS/MND is available for review at the Milpitas Library, 160 North Main Street, Milpitas, CA 95035.

Written public comment on the Initial Study and Mitigated Negative Declaration may be submitted between June 23, 2021 and July 26, 2021 to the Milpitas Planning Division.

**Please submit comments on the Draft IS/MND by July 26, 2021 at 5:00 PM via:**

**Email:** [jvanhua@ci.milpitas.ca.gov](mailto:jvanhua@ci.milpitas.ca.gov)

**Mail:**

ATTN: Lillian VanHua, Associate Planner  
City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035-5411

**NOTICE OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ONLINE PUBLIC FORM:** In lieu of attending an in-person meeting to receive information and provide input on the Initial Study and Mitigated Negative Declaration, Milpitas residents may submit comments or questions about

the document via the Online Public Form. Information on the Initial Study and Mitigated Negative Declaration online public forum can be accessed at <http://www.ci.milpitas.ca.gov/stratford-school-125-north-milpitas-boulevard/>.

**PLANNING COMMISSION CONSIDERATION:** It is anticipated that the Planning Commission will consider this Mitigated Negative Declaration, all written comments received by July 26, and the project proposal at its virtual meeting on August 11, 2021 at 7:00 p.m. Detailed instructions shall be published on the meeting agenda posted on the City's website 72 hours prior to the meeting for any person wishing to provide live comments during the public hearing portion of the meeting. The Public Hearing will be held via the Internet.



**Regina Alcomendras**  
**Santa Clara County**  
**Clerk-Recorder**  
**(408) 299-5688**  
<https://www.clerkrecorder.org>

**Receipt: 21-182079**

<b>Product</b>	<b>Name</b>	<b>Extended</b>
CEQA	ENVIRONMENTAL FILING	\$0.00
	# Pages	3
	Document #	ENV23396
	Document Info:	CITY OF MILPITAS
	Filing Type	F
<b>Total</b>		<b>\$0.00</b>
Change (Cash)		\$0.00

PLEASE KEEP FOR REFERENCE



State of California - Department of Fish and Wildlife  
**2021 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
DFW 753.Sa (REV. 01/01/21) Previously DFG 753.Sa

RECEIPT NUMBER:
01 - ENV23396
STATECLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>CITY OF MILPITAS</b>	LEAD AGENCY EMAIL	DATE 06/22/2021
COUNTY/STATE AGENCY OF FILING <b>SANTA CLARA</b>		DOCUMENT NUMBER
PROJECT TITLE	MILPITAS STRATFORD SCHOOL DEVELOPMENT PROJECT	

PROJECT APPLICANT NAME <b>STRATFORD SCHOOL</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(408) 973-7320</b>	
PROJECT APPLICANT ADDRESS <b>12930 SARATOGA AVE SUITE A-2</b>	CITY <b>SARATOGA</b>	STATE <b>CA</b>	ZIP CODE <b>95070</b>

PROJECT APPLICANT (Check appropriate box)

<input type="checkbox"/> Local Public Agency	<input type="checkbox"/> School District	<input type="checkbox"/> Other Special District	<input type="checkbox"/> State Agency	<input type="checkbox"/> Private Entity
--	--	---	---------------------------------------	---

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,445.25	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,480.25	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,171.25	\$ _____

Exempt from fee

Notice of Exemption (attach)  
 CDFW No Effect Determination (attach)

Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input type="checkbox"/> County documentary handling fee		\$ _____
<input type="checkbox"/> Other		\$ _____

PAYMENT METHOD:

<input type="checkbox"/> Cash <input type="checkbox"/> Credit <input type="checkbox"/> Check <input checked="" type="checkbox"/> Other	TOTAL RECEIVED	\$ <b>\$0.00</b>
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SIGNATURE 	AGENCY/OFFILING/PRINTED NAME AND TITLE <b>Sandy Chanthasy, Deputy County Clerk-Recorder</b>
---------------	--

*City of Milpitas*

Milpitas Stratford School Development Project  
Draft Initial Study / Mitigated Negative Declaration



Prepared by:

**IMPACT  
SCIENCES**

811 W. 7th Street  
Suite 200  
Los Angeles, CA 90017

Prepared for:

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, California 95035

June 2021

# **MILPITAS STRATFORD SCHOOL DEVELOPMENT PROJECT**

## **Draft Initial Study / Mitigated Negative Declaration**

**Prepared for:**

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, California 95035

**Prepared by:**

Impact Sciences, Inc.  
811 W. 7<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90017

**Applicant:**

Stratford School  
12930 Saratoga Avenue, Suite A-2  
Saratoga, California 95070

**June 2021**

# I. INTRODUCTION

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The subject of this Initial Study and Mitigated Negative Declaration (IS/MND) is the repurposing of an existing, vacant single-floor commercial building into the Stratford School which would have 20 classrooms, in the City of Milpitas, California. The scope of work includes demolishing and redesigning the interiors of the existing building of approximately 44,088 square feet. A full description of the project is contained in **Section II, Project Description**. The City of Milpitas is the Lead Agency under the California Environmental Quality Act (CEQA).

## 1.1 PROJECT INFORMATION

Project Title: Milpitas Stratford School Development Project

Project Location: 125 N. Milpitas Boulevard  
Milpitas, California 95035

Project Applicant: Stratford School  
12930 Saratoga Avenue, Suite A-2  
Saratoga, California 95070

Lead Agency: City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, California 95035

## 1.2 ORGANIZATION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

This document consists of both the IS for the project and the MND. This IS/MND is composed of four sections, as follows:

- I. Introduction:** This section provides introductory information such as the project title, the project applicant, the lead agency for the project, and a background on CEQA.
- II. Project Description:** This section provides a detailed description of the environmental setting and the project, including project characteristics and environmental review requirements.
- III. Environmental Initial Study Checklist and Impact Analysis:** This section contains the completed Appendix G Initial Study Checklist. Each environmental issue identified in the Initial Study Checklist contains an assessment and discussion of impacts associated with each subject area.

**IV. Preparers of the IS/MND:** This section provides a listing of those involved in the preparation of this document and persons and agencies consulted.

Several technical appendices that contain the project site plans and technical resource reports related to air quality and greenhouse gas emissions, noise and vibration, and transportation and traffic are also attached.

### **1.3 PURPOSE OF AN INITIAL STUDY**

An application for the proposed project has been submitted to the City of Milpitas for discretionary review. The City of Milpitas, as Lead Agency, has determined that the project is subject to CEQA, and the preparation of an IS is required.

An IS is a preliminary analysis conducted by the Lead Agency, in consultation with other agencies (responsible or trustee agencies, as applicable), to determine whether there is substantial evidence that a project may have a significant effect on the environment. If the IS concludes that the project, with mitigation, may have a significant effect on the environment, an EIR should be prepared; otherwise, the Lead Agency may adopt a Negative Declaration or an MND.

This IS has been prepared in accordance with CEQA (Public Resources Code [PRC] §21000 et seq.) and the *State CEQA Guidelines* (Title 14, California Code of Regulations, §15000 et seq.). This IS document evaluates potential environmental effects resulting from construction and operation of the proposed project.

## II. PROJECT DESCRIPTION

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### 2.1 PROJECT SUMMARY

The Stratford School Project (project), located at 125 North Milpitas Boulevard in the City of Milpitas, California, is the repurposing of an existing, vacant single-floor commercial building into the Stratford School campus. The scope of work includes demolishing and redesigning the interiors of the existing building of approximately 44,088 square feet. The school will include a multi-purpose hall; administrative block comprising offices, a conference room, work room, and breakroom for teachers; 20 classrooms (12 preschool, 4 kindergarten, and 4 elementary); external play areas; parking; and other site improvements.

### 2.2 ENVIRONMENTAL SETTING

#### 2.2.1 Project Location

The project site is located in the City of Milpitas, California, at 125 North Milpitas Boulevard (see **Figure 2.0-1, Regional Location Map**, and **Figure 2.0-2, Project Site Map**). The site is bound to the east by North Milpitas Boulevard, to the north and west by low-to medium-density residential units, and to the south by a commercial complex (Beresford Square) and parking lot. The site is identified by the Assessor's Parcel Number (APN) 028-22-016.

Regional access to the project site is provided by Interstate 880 1 mile to the west and Interstate 680 0.75 miles to the east. Major arterials that provide access to the project site include North Milpitas Boulevard directly to the east and East Calaveras Boulevard to the south.

#### 2.2.2 Existing Conditions

The project site consists of a one-story commercial structure and associated surface parking (see **Figures 2.0-3a** through **2.0-3c, Photographs of Existing Site Conditions**). Currently, the building on the site is vacant and not in use. The project site includes the existing building, which is approximately 44,088 square feet, and exterior areas on either end of the building with existing walls and fencing.

### 2.2.3 Surrounding Land Uses

The project site is surrounded predominantly by commercial, parking, and low-to medium-density residential land uses (see **Figure 2.0-4, Aerial View Map and Surrounding Land Uses**<sup>1</sup>). Specifically, surrounding land uses include:

- **North:** Directly north of the project site are low-to medium-density residential land uses. A concrete wall separates the commercial complex and the residential uses to the north.
- **South:** The commercial complex and associated parking lies to the south of the project site. The land uses to the south are within the Commercial Town Center designation which includes a variety of commercial and civic uses and allows for very high-density residential uses. Retail and restaurant uses are included in the commercial complex.
- **East:** Directly East of the project site across Milpitas Boulevard are low-to medium density residential uses. Commercial Town Center uses designation lies directly to the east and southeast across the intersection of Milpitas Boulevard and Town Center Drive/Beresford Court, while northeast lies low-density residential.
- **West:** West of the project site are low-to medium- density residential uses. A concrete wall separates the commercial complex and the residential uses to the west.

---

<sup>1</sup> [City of Milpitas General Plan April 2021. URL: http://www.ci.milpitas.ca.gov/\\_pdfs/plan\\_plan\\_general/chapter2.pdf](http://www.ci.milpitas.ca.gov/_pdfs/plan_plan_general/chapter2.pdf)



SOURCE: City of Milpitas and County of Santa Clara, 2020.

FIGURE 2.0-1



SOURCE: Google Earth, 2021

FIGURE 2.0-2

Project Site Map



SOURCE: Google Maps, 2021

FIGURE 2.0-3a

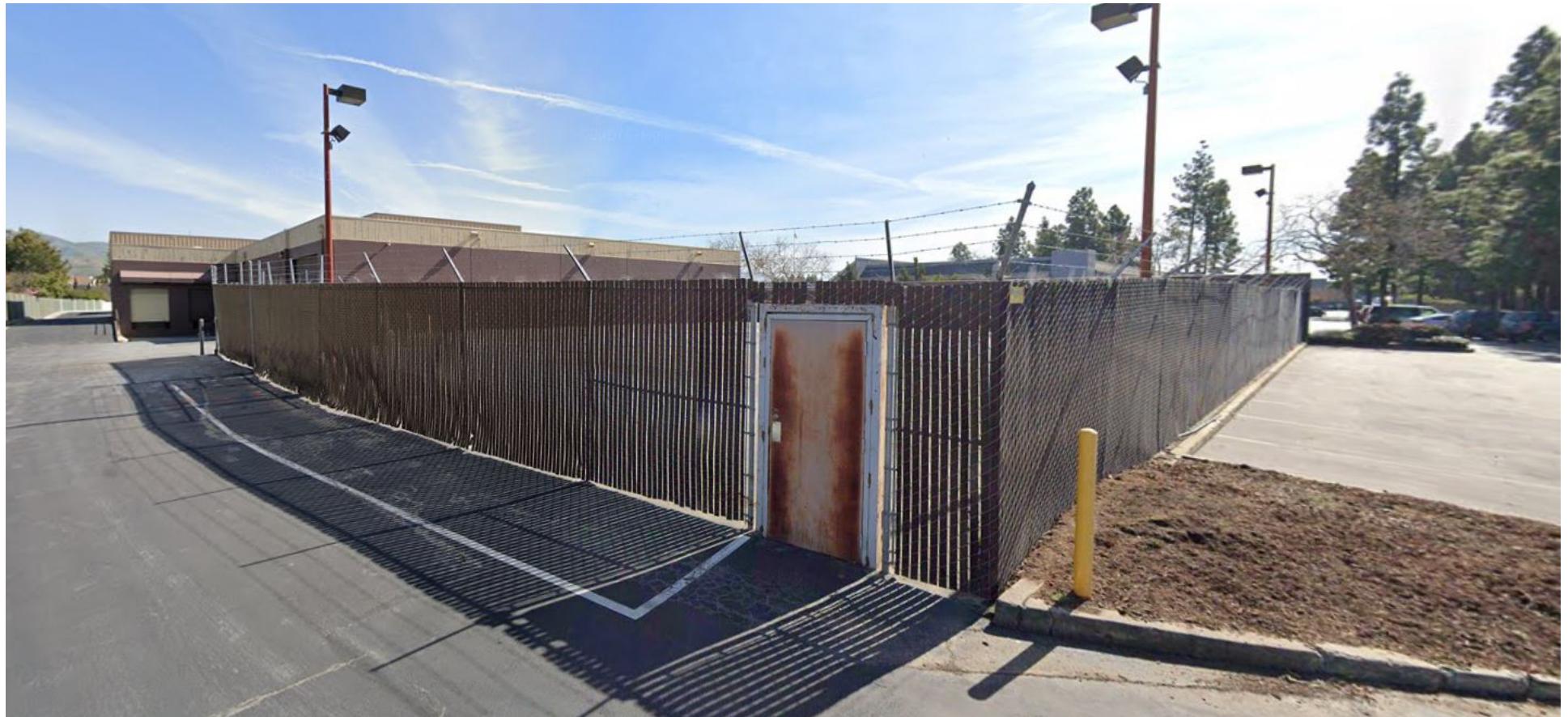
Photographs of Existing Site Conditions



SOURCE: Google Maps, 2021

FIGURE 2.0-3b

Photographs of Existing Site Conditions



SOURCE: Google Maps, 2021

FIGURE 2.0-3c

Photographs of Existing Site Conditions



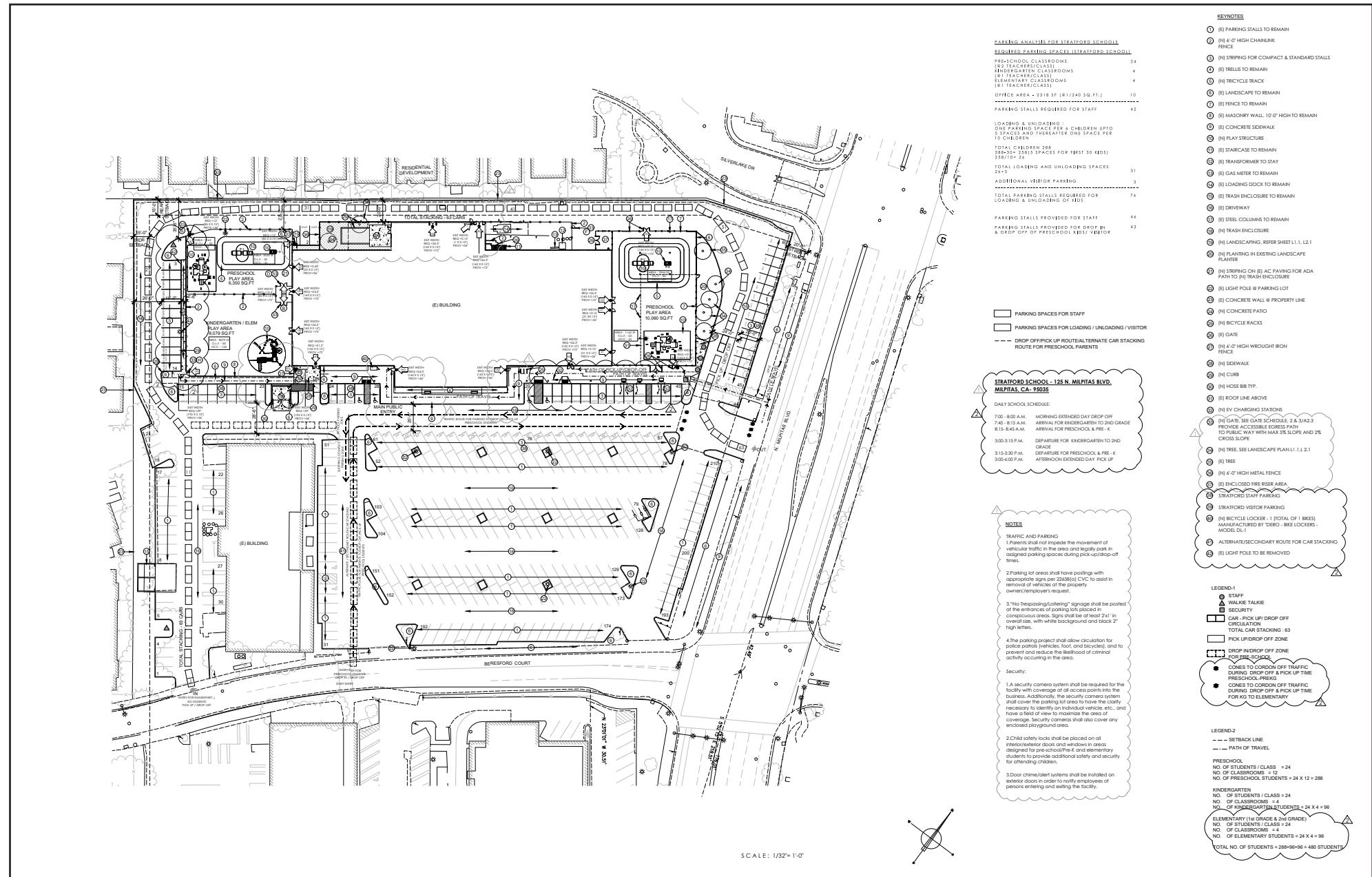
SOURCE: Esri, 2021.

FIGURE 2.0-4



SOURCE: ARCHEvon, Inc., 2021.

FIGURE 2.0-5



## 2.3 DESCRIPTION OF PROJECT

The proposed project consists of demolishing and renovating the interior of an existing single-story, 44,088-square-foot commercial building into a 20-classroom school for preschool, kindergarten, first-grade, and second-grade age students with two playgrounds (see **Figure 2.0-5, Architectural Renderings**, and **Figure 2.0-6, Site Plan**).

### 2.3.1 Project Components

#### *Stratford School Building*

The Stratford School will provide 12 preschool/pre-kindergarten classrooms, 4 kindergarten classrooms, 2 first-grade, and 2 second-grade elementary school classrooms with a total of 480 students and 56 staff. **Table 2.0-1, Total Number of Classrooms, Students, and Staff (Stratford School)**, summarizes the number of students and staff expected to be accommodated at the school by class.

**Table 2.0-1**  
**Total Number of Classrooms, Students, and Staff (Stratford School)**

Class	Number of Classrooms	Students per Classroom	Number of Students
Pre-School & Pre-Kindergarten	12	24	288
Kindergarten	4	24	96
First Grade	2	24	48
Second Grade	2	24	48
<b>Total</b>	<b>20</b>	<b>24</b>	<b>480</b>
<b>Total Staff</b>			<b>56</b>

In addition, the project includes the creation of accessory space within the redeveloped structure, including a multi-purpose hall with an attached green room and platform; and an administrative block comprising offices, conference room, and a work room and break room for the teachers. All hallways within the building will be fire rated and sprinkled. The main public entryway will be constructed on the southern side of the building. The overall building area of each proposed project components is presented in **Table 2.0-2** below.

**Table 2.0-2**  
**Proposed Project Components**

Program Type	Components
School Building	44,087 sf
Kindergarten/Elementary Play Area	8,079 sf
East Preschool Play Area	10,060 sf
West Preschool Play Area	6,350 sf
<b>Total Building</b>	<b>44,087 sf</b>
<b>Total Site Area</b>	<b>68,576 sf</b>

Renovations to the existing building will also include:

- new interior and exterior paint,
- addition of several doors and windows on the western exterior wall,
- upgrading existing fencing with additional exits,
- filling the existing dock to create outdoor space, and
- upgrading sidewalks.

### *Landscaping*

The project area will maintain the existing landscaped areas around the building, including a 20-foot offset along North Milpitas Boulevard; landscaping along the southern eastern side of the building; and landscaped areas on the southeast, southwest, and northwest corners of the project site. The planter on the eastern side of the building will be relandscaped with six new trees. The other landscaped areas will remain untouched.

### *Access, Circulation, and Parking*

As shown in **Figure 2.0-6, Site Plan**, for kindergarten, first-grade, and second-grade students, the proposed Project will configure a pickup and drop-off circulation pattern to facilitate a streamlined flow of traffic. Parents picking up or dropping off elementary and kindergarten students will enter the site along Beresford Court in the western-most driveway (located 450 feet west of North Milpitas Boulevard) and follow the north-south drive aisle behind the retail store building and proceed straight to the west side of the school building, where vehicles would loop around the school building in a clockwise direction. The student loading/unloading area is located along the east side of the school building in four loading/unloading spaces. Then vehicles will be directed to exit by turning left onto the existing driveway on North Milpitas

Boulevard. The proposed pickup and drop-off route will create a 63-stack around the project site in order to reduce traffic along Beresford Court.

During arrival and departure, the school security guard will monitor the flow of traffic to ensure safety and compliance with arrival procedures. For departure, the vehicles will be provided with placards with their child's name and room number to be placed in the visor of each car for easy viewing. School leaders and teachers will be positioned at each loading space to help load children into the appropriate vehicle. One school leader will use a walkie-talkie to walk along the stacking lane and relay names of students to waiting area so students to be picked up are lined up in order and escorted to the right loading space. This will facilitate an efficient process so cars can be loaded quickly.

Pre-school and pre-kindergarten students are picked up and dropped off by their parents. As shown in **Figure 2.0-6, Site Plan**, vehicles will enter the project site along Beresford Court in the center driveway (located 250 feet west of North Milpitas Boulevard). Upon entering the project site, vehicles would follow the north-south drive aisle in front of the retail store building, turn right onto the east-west drive aisle in front of the school building main entrance, park their vehicles at one of the designated parking spaces for loading, and then escort students to the designated classrooms inside the school building.

The project will have a staggered arrival and departure schedule in order to ensure less traffic congestion on public streets. The class schedule is presented in **Table 2.0-3** below.

**Table 2.0-3**  
**Daily School Arrival and Departure Schedule**

Time Period	Description
7:00 – 8:00 a.m.	Morning extended day program
7:45 – 8:15 a.m.	Arrival for Kindergarten to 21 <sup>nd</sup> grade <sup>1</sup>
8:15 – 8:45 a.m.	Arrival for Pre-School / Pre-Kindergarten <sup>1</sup>
3:00 – 3:15 p.m.	Departure for Kindergarten to 2 <sup>nd</sup> grade <sup>2</sup>
3:15 – 3:30 p.m.	Departure for Pre-School & Pre-Kindergarten <sup>2</sup>
3:00 – 6:00 p.m.	Afternoon extended day program

*Notes:*

1. For those students not enrolled in the morning extended day program
2. For those students not enrolled in the afternoon extended day program

The project would use the existing parking lot that is shared with the other commercial property on the project site. The project would provide 43 visitor parking spaces and 46 staff parking spaces, including four EV charging spaces.

### 2.3.2 Anticipated Construction Schedule

Construction of the proposed project is anticipated to occur in eight months beginning in January 2022. A complete list of the construction machinery and equipment needed for demolition and construction is provided in **Appendix A, Air Quality and Greenhouse Gas Technical Study**. The proposed construction sequence is anticipated as follows:

- Demolition: 2 weeks
- General Construction: 6 months, including:
  - wood framing
  - Sheathing, insulation, and flashing
  - Roofing
  - Windows and openings
  - Exterior finish materials
  - Interior utility distribution
  - Interior partitions
- Concrete and striping: 2 weeks
- Finishes, painting, fixtures, and casework: 2 weeks

The project would require the export of demolition debris from the site. The project would require a haul route permit, subject to the approval of the City of Milpitas Department of Building and Safety. The likely haul route for the Project would utilize North Milpitas Boulevard to an approved truck. It is anticipated that construction worker parking and building material laydown during construction of the project would take place on the project site. Construction would occur Monday through Friday, between the hours of 7:00 AM and 4:00 PM.

## 2.4 REQUESTED PERMITS AND APPROVALS

Discretionary entitlements, reviews, and approvals required for implementation of the project would include, but would not necessarily be limited to, the following:

- Conditional Use Permit
- Minor Site Development Permit
- Certification of an Initial Study / Mitigated Negative Declaration, pursuant to the CEQA

## III. ENVIRONMENTAL ANALYSIS

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### 3.1 INTRODUCTION

This section of the Initial Study contains an assessment and discussion of impacts associated with each environmental issue and subject area identified in the Initial Study Checklist. The thresholds of significance are based on Appendix G of the *State CEQA Guidelines*.

### 3.2 IMPACT ANALYSIS

#### 3.2.1 Aesthetics

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Except as provided in Public Resources Code Section 21099, would the project:

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

**No Impact.** A significant impact would occur if the proposed project would have a substantial adverse effect on a scenic vista. A scenic vista refers to views of focal points or panoramic views of broader geographic areas that have visual interest. A focal point view would consist of a view of a notable object, building, or setting. An impact on a scenic vista would occur if the bulk or design of a building or development contrasts enough with a visually interesting view, so that the quality of the view is permanently affected.

As existing views are intermittent and no expansive vistas are available, the proposed project would not have a substantial effect on a scenic vista. The proposed project site does not consist of, nor would it block, any possible City-designated scenic views. Additionally, the project would not include any changes to the existing building as construction would primarily consist of interior modifications. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and there would be no impact.

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

**No Impact.** The project site is not adjacent to a state scenic highway and therefore would not result in any impacts on scenic resources within a state scenic highway.<sup>1</sup> Furthermore, there are no unique trees, rocky outcrops or historic buildings on the campus site that could qualify as scenic resources that are within a state scenic highway. As a result, no impact on scenic resources within a state scenic highway would occur.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less than Significant.** A significant impact may occur if a project would introduce incompatible visual elements on the proposed project site or visual elements that would be incompatible with the character of the area surrounding the proposed project site, or substantially degrade the existing visual character or quality of the project site and its surroundings. Significant impacts to the visual character of a site and its surroundings are generally based on the removal of features with aesthetic value, the introduction of contrasting urban features into a local area, and the degree to which the elements of the proposed project detract from the visual character of an area.

The proposed project would not remove or degrade features with aesthetic value on or near the project site; there would be no substantive changes to the existing building as construction would primarily consist of interior modifications. The proposed project would only have relatively minor changes to visual character with the addition of playground areas on either end of the project. Furthermore, the project would not conflict with any applicable zoning or other regulations governing scenic quality. Therefore, the proposed project would not degrade the visual quality of the area and would be consistent with surrounding uses. Impacts would be less than significant.

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<sup>1</sup> California Department of Transportation (Caltrans). California State Scenic Highway System Map. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>

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

**Less than Significant Impact.** A significant impact would occur if light and glare substantially altered the character of off-site areas surrounding the site or interfered with the performance of an off-site activity. Light impacts are typically associated with the use of artificial light during the evening and nighttime hours. Glare may be a daytime occurrence caused by the reflection of sunlight or artificial light from highly polished surfaces, such as window glass and reflective cladding materials, and may interfere with the safe operation of a motor vehicle on adjacent streets. Daytime glare is common in urban areas and is typically associated with mid- to high-rise buildings with exterior façades largely or entirely comprised of highly reflective glass or mirror-like materials. Nighttime glare is primarily associated with bright point-source lighting that contrasts with existing low ambient light conditions.

The proposed project would not result in land uses typically associated with nighttime illumination, such as residential uses. Elementary schools are not typically in use at night, so illumination from the project site would be minimal. For these reasons, the new lighting established on the site will not result in a substantial increase in light that could adversely affect nighttime views in the area. Therefore, the project's impacts regarding light and glare would be less than significant. No further analysis is required.

### 3.2.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact	with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range and Assessment Project and Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB). Would the project:

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?**

**No Impact.** A significant impact would occur if the proposed project would convert valued farmland to non-agricultural uses. The California Department of Conservation, Division of Land Protection, lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of "Important Farmland." The project site is listed as Urban and Built-up land.<sup>2</sup> Therefore, no impacts would occur.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

**No Impact.** A significant impact would occur if the proposed project conflicted with existing agricultural zoning or agricultural parcels enrolled under the Williamson Act. The project site is not zoned for agricultural uses nor do agricultural uses occur on the project site. Only land located within an agricultural preserve is eligible for enrollment under a Williamson Act contract. Accordingly, the project site does not

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<sup>2</sup> California Department of Conservation. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>

contain any lands covered by a Williamson Act contract. Therefore, implementation of the proposed project would not conflict with existing agricultural zoning or a Williamson Act contract. No impacts would occur.

c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** A significant impact would occur if the proposed project conflicted with existing zoning or caused rezoning of forest land or timberland or resulted in the loss of forest land or in the conversion of forest land to non-forest use. The project site and the surrounding area are not zoned for forest land or timberland. The site and the surrounding area do not contain any forest land or land zoned for timberland production. Implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of forest land or timberland. No impacts would occur, and no further analysis is required.

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

**No Impact.** See response to **Subsection 3.2.2(c)**, above.

e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** A significant impact would occur if the proposed project caused the conversion of farmland to non-agricultural use. See responses to **Subsections 3.2.2(a) through 3.2.2(d)**, above. The site is located within a developed area and there are no agricultural uses or related uses on the site. The site does not result in the conversion of farmland to other uses. No impacts would occur.

### 3. AIR QUALITY

	Potentially Significant Impact	with Incorporation	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

This section is based on the information provided in the Air Quality and Greenhouse Gas (GHG) Technical Study (see **Appendix A**). The Air Quality and GHG Technical Study uses the California Emissions Estimator Model (CalEEMod) 2016.3.2 model to predict Project construction and operational emissions using assumptions from the Project Applicant. The Air Quality and GHG Technical Study and CalEEMod Output Files are incorporated herein by this reference and provided in **Appendix A** to this Draft Initial Study. Would the project:

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

**Less Than Significant Impact.** The most recent clean air plan is the Bay Area 2017 Clean Air Plan that was adopted by the Bay Area Air Quality Management District (BAAQMD) in April 2017. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Projects that are consistent with the development of a regional or local air quality plan are considered not to conflict with the attainment of air quality standards identified in the plan.

Consistency with the air quality plan can be determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment. Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. The proposed project would not conflict with the latest 2017 Clean Air Plan since emissions would not exceed BAAQMD thresholds (see **Table 3.0-1** and **Table 3.0-2 in Impact 2**). Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan and no mitigation is necessary.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?**

**Less than Significant Impact.** A project may have a significant impact if project-related emissions would exceed federal, state, or regional standards or thresholds, or if project-related emissions would substantially contribute to an existing or project air quality violation. To determine project significance, emissions were compared to the BAAQMD construction and operational air quality thresholds.

The CalEEMod Version 2016.3.2 was used to predict emissions from the construction and operation of the proposed project. Average daily emissions from project construction and operation were calculated, including both on-site and off-site activities. On-site activities would consist of the operation of off-road construction equipment, as well as on-site truck travel (e.g., haul trucks, water trucks, dump trucks, and concrete trucks), whereas off-site sources would be emissions from construction vehicle trips.

### ***Construction Air Quality Impacts***

Construction of the proposed project is anticipated to occur over eight months. Construction of the proposed project would involve minor interior wall demolition, paving for the playground on the western side of the building, constructing interior walls for the classrooms and accessory rooms, and painting the interior and exterior walls. The assumptions used within CalEEMod were based on model defaults as well as conservative estimates for a construction project that will primarily occur within an existing structure. It was conservatively estimated that the proposed project would demolish at most 11,000 square feet of interior walls based on the perimeter and height of the building.<sup>3</sup> In addition, default construction equipment for the demolition, building construction, paving, and architectural coating phases of construction were assumed. However, since all building construction will be internal, cranes were removed from the model's default list, as they would not be necessary to complete the project. In addition, rubber-tired dozers during the construction phase were replaced with forklifts, as rubber-tired dozers are typically used for earth and dirt moving that would not be required.

**Table 3.0-1, Construction-Related Criteria Pollutant Emissions**, shows the average annual and daily construction emissions of ROG, NOx, PM10 exhaust, and PM2.5 exhaust from the construction of the proposed project.

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<sup>3</sup> The building is assumed to be approximately 147 feet by 300 feet – consistent with the square footage of the project. Therefore, the perimeter is approximately 894 feet. It was assumed that the building has an internal height of 12 feet, for a total of approximately 10,728 square feet that will be demolished. Therefore, modeling the project assuming 11,000 square feet of demolition provides a conservative estimate of the air quality emissions.

**Table 3.0-1**  
**Construction-Related Criteria Pollutant Emissions**

<b>Construction Year</b>	<b>ROG</b>	<b>NOx</b>	<b>PM10 Exhaust</b>	<b>PM2.5 Exhaust</b>
Average Annual Emissions (Tons/Year)	0.278	0.470	0.024	0.022
Average Daily Emissions (lbs/year) <sup>1</sup>	2.32	3.92	0.20	0.18
<b>Thresholds (lbs/day)</b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Notes: lbs = pounds; NOx = nitrous oxide; PM10 = respirable particulate matter; PM2.5 = fine particulate matter; ROG = reactive organic gases

Source: Impact Sciences, CalEEMod modeling, 2021. See **Appendix A**.

<sup>1</sup> Based on an eight-month construction schedule.

### **Operational Air Quality Impacts**

Operational air pollutant emissions would be generated primarily by automobiles driven to drop off and pick up students. Other sources of operational emissions include architectural coatings and maintenance products, consumer products, and energy use of the project site, including the combustion of natural gas for heating. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build out and to estimate emissions from operation of the existing commercial building on the project site. The net operational air quality emissions were compared against BAAQMD thresholds to determine project significance.

Emissions associated with vehicle travel depend on the year of analysis, as emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates used by CalEEMod. The earliest year the project could possibly be constructed and fully occupied would be 2022. Emissions associated with build-out later than 2022 would be lower, as newer vehicles must meet increasingly more stringent emissions standards, while older, more polluting, vehicles are less utilized.

CalEEMod allows the user to enter specific vehicle trip generation rates. According to the Transportation Impact Analysis (TIA) prepared by Hexagon Consulting (see **Appendix B**), the proposed project will generate approximately 1,967 vehicle trips per day. However, the existing retail commercial building on the project site generates approximately 1,664 trips per day. As a result, the proposed project will generate a net increase of 303 trips per day. The net long-term operational emissions attributable to the proposed project are summarized in **Table 3.0-2, Long-Term Operational Emissions**.

**Table 3.0-2**  
**Long-Term Operational Emissions**

Emissions Source	ROG	NOx	PM10	PM2.5
Area Source (tons/year)	0.196	0.00004	0.00002	0.00002
Energy Source (tons/year)	0.004	0.040	0.003	0.003
Mobile Source (tons/year)	0.292	1.13	0.787	0.2159
Annual Project Operational Emissions (tons/year)	0.492	1.172	0.790	0.219
Existing Annual Operational Emissions (tons/year)	0.486	0.979	0.668	0.183
Net Annual Operational Emissions (tons/year)	0.006	0.193	0.12	0.036
<b>Annual Thresholds (tons/year)</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>10</b>
<i>Exceed Thresholds?</i>	No	No	No	No
Average Daily Emissions (pounds/day) <sup>1</sup>	2.69	6.42	4.33	1.20
Existing Average Daily Emissions (pounds/day) <sup>1</sup>	2.66	5.36	3.66	1.00
Net Average Daily Emissions (pounds/day)	0.03	1.06	0.67	0.20
<b>Thresholds (lbs/day)<sup>1</sup></b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
<i>Exceed Threshold?</i>				

Notes: *lbs* = pounds; *NOx* = nitrous oxide; *PM10* = respirable particulate matter; *PM2.5* = fine particulate matter; *ROG* = reactive organic gases

Source: Impact Sciences, CalEEMod modeling, 2021. See Appendix A.

<sup>1</sup> Based on a 365-day operational schedule.

As shown in **Table 3.0-1** and **Table 3.0-2**, neither the project's construction nor operational emissions would exceed the BAAQMD's thresholds for any criteria air pollutants. Furthermore, as for cumulative construction and operational impacts, the proposed project will not produce cumulatively considerable emissions of nonattainment pollutants since the project will not exceed regional thresholds. As such, the proposed project will result in a less than significant impact.

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

**Less than Significant Impact.** Based on the BAAQMD CEQA Guide, a significant impact may occur if a project were to generate pollutant concentrations to a degree that would significantly affect sensitive receptors.

***Construction***

Project impacts related to increased community risk would occur by introducing a new source of localized pollutants during construction and operation with the potential to adversely affect existing sensitive

receptors in the project vicinity. As sensitive receptor is defined by the BAAQMD as the following: “facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas.” The BAAQMD recommends assessing the potential impacts within 1,000 feet of the project site in all directions. The closest sensitive receptors include:

- Silverlake Drive residences at the northern end of the project limits.
- Meadowhaven Way residences at the western end of the project limits.
- Woodward Drive residences approximately 215 feet east of the project site.

The Air Quality and GHG Technical Study (see **Appendix A**) included a project-level assessment of the potential community health risks and health hazard impacts to surrounding sensitive receptors resulting from emissions of toxic air contaminants (TACs) during construction. Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of diesel particulate matter (DPM) (a carcinogenic air contaminant sourced from off-road construction equipment, heavy-duty delivery truck, and worker activities); organic TACs from vehicles; and PM2.5. Based on the BAAQMD CEQA Air Quality Guidelines, a project would not result in a significant construction TAC or PM2.5 impact if it exceeds any of the following thresholds of significance:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0; or
- An incremental increase of more than 0.3 micrograms per cubic meter annual average PM2.5, including both DPM (as PM2.5 exhaust) and PM2.5 fugitive dust (very small particles suspended in the air).

**Table 3.0-3, Maximum Health Risk from Construction**, below, presents a summary of the project’s construction cancer risk, chronic non-cancer hazard, and annual PM2.5 concentration impacts at the location of the maximally exposed individual (MEI) residential receptor.

**Table 3.0-3**  
**Maximum Health Risk from Construction**

Receptor	Lifetime Excess Cancer Risk (per million)	Annual PM2.5 (ug/m <sup>3</sup> )**	Hazard Index
Residential Receptor*	6.95	0.122	0.020
Significance Threshold	10	0.3	1.0

Receptor	Lifetime Excess Cancer Risk (per million)	Annual PM2.5 (ug/m3)**	Hazard Index
Exceed Threshold?	No	No	No

Notes: PM2.5 = fine particulate matter; ug/m3 = micrograms per cubic meter

Source: Impact Sciences, 2021. Attachment A.

\*Residential receptor accounts for the first 0.67 years of life (0.25 years during the third trimester and 0.42 years of the infant stage of life).

\*\* The annual PM2.5 concentration is the sum of DPM and fugitive dust PM2.5 concentrations.

## Operation

Project-operation impacts related to increased health risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors, or by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs.

The proposed project does not include any stationary sources of TAC emissions and most Project vehicles would operate on gasoline and not diesel, which is the primary source of TACs and DPM. Therefore, operation of the proposed project would not generate TAC or PM2.5 emissions that could affect the health of the community near the project site. Furthermore, the project site does not lie within 1,000 feet of any stationary sources or major roadways that would expose future students to TAC emissions.<sup>4</sup> As such, the proposed project would not contribute to human health risk to nearby receptors during operation, and the project would also not contribute to any cumulative human health risk impact.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less than Significant Impact.** None of the proposed land uses are associated with equipment or activities that would emit nuisance odors. Furthermore, the project would be required to comply with the BAAQMD's regulation of odorous substances, which places general limitation on odorous substances and emissions limitations on certain odorous compounds. The proposed school would replace a home improvement retail store and as such, would reduce the use of diesel-fueled delivery trucks and equipment, as well as any organic material associated with gardening material. This would result in a decrease in odorous substances on-site. As a result, the impact would be less than significant.

<sup>4</sup> BAAQMD. *Permitted Stationary Sources Risk and Hazards*. Available online at: <https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>.

### 3.2.4 Biological Resources

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Would the project:

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 regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**No Impact.** A significant impact would occur if a project were to remove or modify habitat for any species identified or designated as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the state or federal regulatory agencies cited above. A search using the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) Database determined there are 17 species that may be potentially affected by activities in this location (See **Table 3.0-4**).<sup>5</sup>

**Table 3.0-4**  
**Species Potentially Affected**

Species Name	Status
<b>Mammals</b>	
Salt Marsh Harvest Mouse (Reithrodontomys raviventris)	Endangered
San Joaquin Kit Fox (Vulpes macrotis mutica)	Endangered
<b>Birds</b>	
California Clapper Rail (Rallus longirostris obsoletus)	Endangered
California Least Tern (Sternula antillarum browni)	Endangered
Western Snowy Plover (Charadrius nivosus nivosus)	Threatened
Yellow-billed Cuckoo (Coccyzus americanus)	Threatened
<b>Reptiles</b>	
Alameda Whipsnake (Masticophis lateralis euryxanthus)	Threatened
<b>Amphibians</b>	
California Red-legged Frog (Rana draytonii)	Threatened
California Tiger Salamander (Ambystoma californiense)	Threatened
<b>Fishes</b>	
Delta Smelt (Hypomesus transpacificus)	Threatened
<b>Insects</b>	
Bay Checkerspot Butterfly (Euphydryas editha bayensis)	Threatened
San Bruno Elfin Butterfly (Callophrys mossii bayensis)	Endangered
<b>Crustaceans</b>	
Conservancy Fairy Shrimp (Branchinecta conservation)	Endangered
Vernal Pool Tadpole Shrimp (Lepidurus packardi)	Endangered
<b>Flowering Plants</b>	
California Seablite (Suaeda californica)	Endangered
Contra Costa Goldfields (Lasthenia conjugens)	Endangered
Robust Spineflower (Chorizanthe robusta var. robusta)	Endangered

Source: U.S. Fish and Wildlife Service. Information for Planning and Consultation.<sup>5</sup>

5 U.S. Fish and Wildlife Service. Information for Planning and Consultation. Available at: <https://ecos.fws.gov/ipac/location/OFV46BQTVBGNVN2TNHYQV2ADWQ/resources>

The IPaC search did not list the site as having any critical habitat. The project site is located within a previously constructed building within a developed area surrounded by residential and commercial development. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities would occur. To that end, implementation of the project would not be expected to 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 regulation, or by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service. Therefore, the proposed project would have no impact on any sensitive species or habitat. No further analysis is required.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**No Impact.** The CDFW considers sensitive natural communities to have significant biotic value, with species of plants and animals unique to each community. The project site does not contain any riparian habitat and does not contain any streams or water courses necessary to support riparian habitat. A California Natural Diversity Database (CNDDB) search revealed that are two sensitive natural communities within 10 miles of Milpitas.<sup>6</sup> Neither of these sensitive communities are located within City limits and therefore, not within the project site. Therefore, the proposed project would not have any impacts.

**c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**No Impact.** The project site is within a developed area, consists primarily of interior renovations, and is not located in an area that supports wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act.<sup>7</sup> Moreover, the proposed project would not result in the direct removal, filling, or hydrological interruption of such wetlands. Therefore, no impact to federally protected wetlands would result from the proposed project.

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<sup>6</sup> City of Milpitas. 2018. General Plan Existing Conditions Report. Available at: <https://milpitas.generalplan.org/content/documents-and-maps>

<sup>7</sup> U.S. Fish and Wildlife Service. National Wetlands Inventory (Map). Available at: <https://www.fws.gov/wetlands/data/mapper.html>

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?**

**Less than Significant.** A significant impact would occur if a project were to interfere or remove access to a migratory wildlife corridor or impede the use of native wildlife nursery sites. Because the project site is located within an urban area surrounded by residential and commercial uses, there are no major wildlife movement corridors that pass through or are adjacent to the project site. Furthermore, the site is not listed by the City as a wildlife corridor. A search using the U.S. Fish and Wildlife Service's IPaC system listed the following migratory birds as of particular concern due to the project location (See **Table 3.0-5**).

**Table 3.0-5**  
**Migratory Birds Potentially Affected**

Species Name	Breeding Season
Allen's Hummingbird ( <i>Selasphorus sasin</i> )	February 1 to July 15
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	January 1 to August 31
Black Oystercatcher ( <i>Haematopus bachmani</i> )	April 15 to October 31
Black Rail ( <i>Laterallus jamaicensis</i> )	March 1 to September 15
Black Skimmer ( <i>Rynchops niger</i> )	May 20 to September 15
Black Turnstone ( <i>Arenaria melanocephala</i> )	Breeds elsewhere
Burrowing Owl ( <i>Athene cunicularia</i> )	March 15 to August 31
Clark's Grebe ( <i>Aechmophorus clarkii</i> )	January 1 to December 31
Common Yellowthroat ( <i>Geothlypis trichas sinuosa</i> )	May 20 to July 31
Golden Eagle ( <i>Aquila chrysaetos</i> )	January 1 to August 31
Lawrence's Goldfinch ( <i>Carduelis lawrencei</i> )	March 20 to September 20
Lewis's Woodpecker ( <i>Melanerpes lewis</i> )	April 20 to September 30
Long-billed Curlew ( <i>Numenius americanus</i> )	Breeds elsewhere
Marbled Godwit ( <i>Limosa fedoa</i> )	Breeds elsewhere
Nuttall's Woodpecker ( <i>Picoides nuttallii</i> )	April 1 to July 15
Oak Titmouse ( <i>Baeolophus inornatus</i> )	March 15 to July 15
Rufous Hummingbird ( <i>selasphorus rufus</i> )	Breeds elsewhere
Short-billed Dowitcher ( <i>Limnodromus griseus</i> )	Breeds elsewhere
Song Sparrow ( <i>Melospiza melodia</i> )	Breeds Feb 20 to Sep 5
Spotted Towhee ( <i>Pipilo maculatus clementae</i> )	Breeds Apr 15 to Jul 20
Tricolored Blackbird ( <i>Agelaius tricolor</i> )	Breeds Mar 15 to Aug 10
Whimbrel ( <i>Numenius phaeopus</i> )	Breeds elsewhere
Willet ( <i>Tringa semipalmata</i> )	Breeds elsewhere
Wrentit ( <i>Chamaea fasciata</i> )	Breeds Mar 15 to Aug 10

Source: U.S. Fish and Wildlife Service. Information for Planning and Consultation.<sup>5</sup>

The proposal would not result in soil disturbance, the removal of any trees, and no existing vegetation will be removed. Therefore, the proposed project would not significantly interfere with wildlife movement or impede the use of native wildlife nursery sites, and impacts would be less than significant.

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

**No Impact.** The City of Milpitas requires a permit for the removal of any trees with the following characteristics:

- All trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed residential property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on developed commercial or industrial property; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required; or
- Any tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above; or
- All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground and located on a vacant, undeveloped, or underdeveloped property; or
- All heritage trees or groves of trees as defined in Title X, Chapter 2 – Tree Maintenance and Protection of the Milpitas Municipal Code.

The proposed project would not remove any trees. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance, and no impacts would occur.

**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?**

**No Impact.** The project site does not fall within the Covered Area for the Santa Clara Valley Habitat Plan.<sup>8</sup> The proposed project site and the surrounding vicinity are not part of any adopted habitat conservation plan; natural community conservation plan; or other approved local, regional, or state habitat conservation plan. A search with the IPaC system did not show any listings of refuge lands or fish hatcheries.<sup>9</sup> Therefore, construction and operation of the proposed project would have no impact on any such plans. No further analysis is required.

### 3.2.5. CULTURAL RESOURCES

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

This section includes information provided in the Sacred Lands File (SLF) search report from the Native American Heritage Commission (NAHC)<sup>10</sup> completed for this Project dated March 22, 2021. The results were negative. This report is incorporated herein by this reference and provided in **Appendix C** to this Draft Initial Study.

Would the project:

a) **Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?**

**No Impact.** A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>11</sup> Section 15064.5 of the *State CEQA Guidelines* defines a historical resource as (1) a resource listed in or determined to be eligible by the State

<sup>8</sup> Santa Clara Valley Habitat Agency. 2012. Final Santa Clara Valley Habitat Plan. Available at: <https://www.scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>

<sup>9</sup> U.S. Fish and Wildlife Service. Information for Planning and Consultation. Available at: <https://ecos.fws.gov/ipac/location/OFV46BQTVBGNVN2TNHYQV2ADWQ/resources>

<sup>10</sup> State of California. *Native American Heritage Commission*. Available online at: <http://nahc.ca.gov/>.

<sup>11</sup> California Public Resources Code Section 21084.1

Historical Resources Commission, for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or (3) an object, building, structure, site, area, place, record or manuscript that a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record.

Typically, a property must be at least 50 years old to be considered for a historic designation.<sup>12</sup> The existing commercial structure on the proposed project site was constructed in 1983 and is only 38 years old. As a result, the existing building is not eligible for a historical designation. Furthermore, a review of the City of Milpitas' Historical Sites Inventory does not identify any known historical resources or landmarks at or within the vicinity of the project site.<sup>13</sup> The project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, and/or any local register.<sup>14, 15</sup> The proposed project would not cause any substantial adverse change in the immediate surroundings such that the significance of the historical resource would be materially impaired and impacts would be less than significant. As such, no adverse impact to historical resources would occur, and no further analysis is required.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**No Impact.** Section 15064.5 of the *State CEQA Guidelines* defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources.

The project site has been in use as a commercial business since 1983 and has been subjected to past subsurface disturbance associated with excavation and grading activities associated with the construction of foundations for the existing school buildings. Furthermore, the proposed project will redevelop the existing commercial structure and construction consists of predominantly interior modifications. The

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12 U.S. Department of the Interior. *National Register Bulletin*. Available online at: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf).

13 City of Milpitas. *Milpitas Historical Site Inventory*. Available online at: <https://milpitas-gis-milpitas.hub.arcgis.com/app/7701907d381d4196942288bbb085f2b8>.

14 National Park Service. 2021. *National Register Database and Research*. Available online at: <https://www.nps.gov/subjects/nationalregister/database-research.htm#table>

15 California State Parks, Office of Historic Preservation. *Santa Clara*. Available online at: [https://ohp.parks.ca.gov/?page\\_id=21522](https://ohp.parks.ca.gov/?page_id=21522).

project will not include any grading or excavation as part of project construction. No ground disturbing activities would occur. Therefore, no impact to archaeological resources would occur.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**No Impact.** A significant impact would occur if previously interred human remains would be disturbed during excavation of the project site. The project site is located within a highly developed portion of the City. Because the project area has already been previously disturbed, it has been subject to ground-disturbing activities. Furthermore, the proposed project will redevelop the existing commercial structure and construction consists of predominantly interior modifications. The project will not include any grading or excavation as part of project construction. No ground disturbing activities would occur. Therefore, no impact to human remains would occur.

### 3.2.6. ENERGY

	Less Than Significant	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

#### *Impact Analysis:*

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?**

**Less than Significant.** Project construction would consist of primarily interior demolition and renovation, and landscaping installation. All construction would be typical for the region and building type. During construction, energy would be consumed in the form of petroleum-based fuels (i.e., gasoline and diesel) used to power off-road construction vehicles and equipment on the project site, for construction worker travel to and from the project site, as well as for delivery truck trips. The manufacturing of construction materials used by the proposed project would also involve energy use. Due to the large number of materials and manufacturers involved in the production of construction materials (including manufacturers in other states and countries), upstream energy use cannot be reasonably estimated. However, it is reasonable to

assume that manufacturers of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest of minimizing the cost of doing business. Furthermore, the City has control over or the ability to influence energy resource use by the manufacturers of construction materials. Therefore, this analysis does not evaluate upstream energy use.

The proposed project consists of redeveloping an existing single floor commercial building to a 20-classroom school. According to the CalEEMod output files, see **Appendix A, Air Quality and GHG Technical Study**, the proposed project's electricity and natural gas demand is approximately 238 Megawatt hours per year (MWh/yea)r and 813 Mega British Thermal Unit per year (MBTU/year), respectively. Further, the proposed project will generate 303 net daily vehicle trips to and from the project site and, as a result will increase petroleum fuel use. However, the proposed project will construct 4 EV parking spaces that will reduce petroleum fuel. Finally, the proposed project will be consistent with Title 24 energy standards, see Impact b. Therefore, the proposed project would not result in a wasteful or inefficient use of energy resources; therefore, the impact is less than significant.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**Less than Significant.** The proposed project would comply with California Building Standards Commission *Building Energy Efficiency Standards* Title 24. Title 24 represents the state policy on building energy efficiency. The goals of the Title 24 standards are to improve energy efficiency of residential and non-residential buildings, minimize impacts during peak energy-usage periods, and reduce impacts on state energy needs. The proposed project is required to comply with Title 24, and therefore would be consistent with the state's plan for energy efficiency. These features would further reduce the amount of electricity and natural gas consumed as a result of the proposed project. Because the proposed project would be consistent with Title 24, this impact would be less than significant.

### 3.2.7 Geology and Soils

	Less Than Significant			
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault, caused in whole or in part by the project's exacerbation of the existing environmental conditions? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking caused in whole or in part by the project's exacerbation of the existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In 2015, the California Supreme Court, in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (CBIA v. BAAQMD), held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a

project. On the other hand, if a project exacerbates a condition in the existing environment, the lead agency is required to analyze that impact of that exacerbated condition on future residents and users of a project (as well as other impacted individuals). Thus, the analysis associated with existing geological hazards below focuses on whether the proposed project would exacerbate these environmental conditions so as to increase the potential to expose people to impacts.

Would the project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**No Impact.** The proposed project includes renovation of an existing building and site and does not include any activities that would exacerbate any existing conditions related to faults, fault rupture, ground shaking or landslides that would directly expose people, or structures, to the risk of loss, injury, or death due to rupture of a known earthquake fault. Fault rupture is the displacement that occurs along the surface of a fault during an earthquake. The project site is not located within an Alquist-Priolo Fault Zone.<sup>16</sup> As the proposed project would not exacerbate any of these existing conditions, no impact would occur.

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - ii) **Strong seismic ground shaking?**

**Less than Significant Impact.** The project site is susceptible to strong seismic ground shaking in the event of a major earthquake. Nearby active faults include the Hayward fault (approximately 2 miles to the northeast of the project site), Calaveras Fault (approximately 5 miles northeast of the project site), Monta Vista-Shannon fault (approximately 11 miles southwest from the project site), and the San Andreas fault (approximately 15 miles southwest from the project site).<sup>17</sup> These faults and other regional faults are capable of producing strong seismic ground shaking at the project site. As a standard practice, the City of Milpitas Building Safety and Housing Department would review proposed project plans to ensure that

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<sup>16</sup> California Department of Conservation. Earthquake Zones of Required Investigation. Available at: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

<sup>17</sup> Ibid.

design plans for the proposed project would be developed in accordance with the 2019 California Building Code. Compliance with the mandatory building code structural specifications, as well as adherence to geotechnical recommendations, would result in structures that would adequately resist adverse effects from seismic ground shaking. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- iii) **Seismic-related ground failure, including liquefaction?**

**Less Than Significant Impact.** Liquefaction is the loss of soil strength or stiffness due to a buildup of pore-water pressure during severe ground shaking. Soil liquefaction occurs when loose, saturated, granular soils lose their inherent shear strength due to excess water pressure that builds up during repeated movement from seismic activity. Factors that contribute to the potential for liquefaction include a low relative density of granular materials, a shallow groundwater table, and a long duration and high acceleration of seismic shaking. Liquefaction usually results in horizontal and vertical movements from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of approximately 50 feet or less.

A review of the State of California Seismic Hazard Zone Map shows that the project site is susceptible to liquefaction and thus may be susceptible to seismic-related ground failure.<sup>18</sup> However, the project would not include any earth disturbing activities. Any project construction will adhere to all current standard of practice, as outlined in the “Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California” and “Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California.” Therefore, compliance with existing building codes and engineering practice would ensure impacts related to liquefaction would be less than significant.

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- iv) **Landslides?**

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<sup>18</sup> Ibid.

**No Impact.** A significant impact would occur if the proposed project would be implemented on a site that would be located in a hillside area with unstable geological conditions or soil types that would be susceptible to failure when saturated. Landslides are movements of large masses of rock and/or soil. Landslide potential is generally the greatest for areas with steep and/or high slopes, low shear strength, and increased water pressure. The project site and surrounding areas are generally flat. The project site is not located within a Landslide Zone.<sup>19</sup> Therefore, no impacts would occur.

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

**No Impact.** Construction-related activities that expose soils to potential mobilization by rainfall/runoff and wind are primarily responsible for sediment releases. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur that will expose soil that results in erosion or siltation on- or off-site during construction. Therefore, soil erosion impacts from the proposed project would not occur.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Less than Significant Impact.** Potential impacts with regard to liquefaction and landslide potential are evaluated above. The project would not include earth disturbing activities as the project would be limited to interior renovations of an existing building. Any project improvements would be designed and constructed in accordance with current engineering practices, and the impacts would be less than significant.

**d) Be located on expansive soil, as identified in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

**No Impact.** A significant impact would occur if the proposed project would be built on expansive soils without proper site preparation or design features to provide adequate foundations for project buildings, thus, posing a hazard to life and property. Expansive soils have relatively high clay mineral and expand with the addition of water and shrink when dried, which can cause damage to overlying structures. As stated above, the project would not include earth disturbing activities and therefore, no impacts would occur.

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<sup>19</sup> Ibid.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

**No Impact.** A project would cause a significant impact if adequate wastewater disposal is not available. The proposed project would require connection to existing sewer mainlines and service lines, which are currently available in the surrounding roadways. The proposed project would not require the use of septic systems. Therefore, no impact would occur and no further analysis is required.

f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** The project site has been previously disturbed and, therefore, it is unlikely that undisturbed paleontological resources exist on the project site. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur. Impacts from the proposed project on paleontological resources would not occur. No further analysis is required.

### 3.2.8 Greenhouse Gas Emissions

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Global climate change refers to any significant change in climate measurements, such as temperature, precipitation, or wind lasting for an extended period. Climate change may result from natural factors, natural processes within the climate system, and human activities that change the atmospheric composition and land surface. The dangers of climate change include, but are not limited to, increased wildfire dangers from extended dry seasons, sea level rise from melting ice caps and thermal expansion, and storm surges driven by changing weather patterns.

The natural process through which heat is retained in the troposphere<sup>20</sup> is called the “greenhouse effect.” Various gases in the Earth’s atmosphere, classified as atmospheric greenhouse gases, play a critical role in determining the Earth’s surface temperature. Solar radiation enters Earth’s atmosphere as short-wave radiation. It travels through the atmosphere without warming it and is absorbed by the Earth’s surface. When the Earth re-emits this radiation back toward space, the radiation changes to long wave radiation. GHGs are transparent to incoming short-wave solar radiation but absorb outgoing long wave radiation. As a result, radiation that otherwise would escape back into space is now retained, warming the atmosphere. This phenomenon is known as the greenhouse effect.

### ***Existing Site***

As noted above, the existing site is currently fixed with a 44,088-square-foot single-story commercial building that was used as a home improvement store. Home improvement stores generate GHG emissions from a variety of sources including customer and worker vehicle trips, operating on-site machinery such as forklifts, watering the gardening department, and lighting. The City of Milpitas already includes several hardware and home improvement stores, including a Home Depot located two miles south of the project site. The existing GHG emissions generated by the existing store are disclosed in **Impact 1**.

### ***Regulatory Framework***

The State of California has implemented a series of GHG plans and policies aimed at reducing state GHG emissions. Measures applicable to the project are summarized below:

- Executive Order (EO) S-03-05. EO S-03-05 was issued by Governor Schwarzenegger to set statewide emissions reduction standards. The order required the state to reduce GHG emissions to 1990 levels by 2020 and reduce GHG emissions to 80% below 1990 by 2050.
- Assembly Bill (AB) 32. AB 32 was signed into law in 2006 and codified into law the 2020 GHG emissions target set by EO S-03-5.
- Senate Bill (SB) 32. SB 32 was signed into law in 2016 and sets into law the mandated reduction targets set in EO B-30-15, which required a reduction in GHG emissions to 40% below the 1990 levels by 2030.
- 2017 Final Scoping Plan. CARB issued a Final Scoping Plan in 2017 in order to set a framework for the state to meet the reduction goals set in SB 32.

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20 The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth’s surface from 6 to 7 miles).

## Significance Criteria

The project site lies within the jurisdiction of the BAAQMD. The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of GHG construction emissions. Determining the significance of these construction-generated GHG emission impacts is recommended to be made in relation to meeting AB 32 GHG reduction goals, which requires the state to meet 1990 levels of GHG emissions by 2020.

Since GHG emissions are cumulative and construction emission are temporary and short term, it is common practice to amortize the total construction GHG emissions over 30 years to create an annual emissions rate that is combined with the operational GHG emissions for determining significance.

The BAAQMD *CEQA Air Quality Guidelines* provide numeric thresholds for GHG emissions during Project operation. A proposed land use development Project would not have a significant GHG impact, if operation of the project would meet one of the following thresholds:

- Compliance with a qualified GHG Reduction Strategy,
- Annual emissions less than 1,100 metric tons per year (MT/yr) of carbon dioxide equivalent (CO2e), or
- 4.6 metric tons of CO2e per service population<sup>21</sup> per year (MT CO2e/SP/yr).

As stated above, the City of Milpitas has a Climate Action Plan (CAP), adopted in May 2013, that established the goals and measures to reduce GHG emissions to meet AB 32 and SB 375 reduction goals.<sup>22</sup> The CAP does not have a specific GHG mass emissions threshold for Project-level construction or operation. The City is currently in the process of updating the CAP.<sup>23</sup>

The BAAQMD's *CEQA Guidelines* do not recommend using quantified thresholds for projects that are in a jurisdiction with a qualified GHG reduction plan that addresses emissions associated with the period that the project would operate. Since the project will be operational after 2020, neither the City's CAP nor the BAAQMD's thresholds are applicable to the project. However, the project is proposing to redevelop an existing home improvement store into a 480-student school. School land uses generally have lower emissions from area and waste sources than commercial land uses. Therefore, this assessment quantified

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<sup>21</sup> According to the BAAQMD's *CEQA Guidelines*, a service population is determined by adding the number of residents to the number of jobs estimated for a given point in time.

<sup>22</sup> City of Milpitas. 2013. *Climate Action Plan*. Available online at: [http://www.ci.milpitas.ca.gov/\\_pdfs/Climate\\_ActionPlan.pdf](http://www.ci.milpitas.ca.gov/_pdfs/Climate_ActionPlan.pdf).

<sup>23</sup> City of Milpitas. 2013. *Climate Action Plan*. Available online at: <http://www.ci.milpitas.ca.gov/climate-action-plan/>.

the GHG emissions from the existing home improvement store and proposed school to demonstrate a net decrease in GHG emissions.

This discussion is based on the Air Quality and GHG Technical Report prepared by Impact Sciences (see **Appendix A**).

Would the project:

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

**Less than Significant Impact.** Using CalEEMod, project GHG emissions throughout the construction phases were calculated from off-road equipment usage, hauling vehicles, delivery, and worker vehicle trips to and from the site. The total GHG construction emissions over the approximately 8-month construction duration of the proposed project would be approximately 88.42 MT CO<sub>2</sub>e. As GHG emissions impact from construction activities would occur over a relatively short time span, it would contribute a relatively small portion of the lifetime GHG emission impact of the proposed project. The total construction GHG emissions were divided by 30 to determine an annual construction emission rate estimate to be amortized over the project's first 30 years of operational life, consistent with CEQA analysis across the state. Amortized over a 30-year period, the proposed project is anticipated to emit approximately 2.95 MT CO<sub>2</sub>e/year.

BAAQMD-recommended CalEEMod was also used to calculate the annual GHG emissions generated by the proposed project during operation of each of the project phases. Sources of GHG emissions during operation include emissions from area sources, electricity, mobile sources, waste, and water. Amortized yearly construction emissions were added to operational GHG emissions to calculate the Project's total annual GHG emissions.

Emissions from area sources are based on land use sizes, GHG emission factors for fuel combustion, and the global warming potential (GWP) values for the GHGs emitted. Electricity usage emissions are based on the land uses, default demand factors for the land use, GHG emission factors for the utility provider, and the GWP values of the GHGs emitted. Mobile-source GHG emissions are determined based on the Project's estimated daily trip rate calculated in the Transportation Impact Assessment prepared for the proposed project (see **Appendix B**). Waste and water emissions are derived from the anticipated water usage and wastewater generated based on the project's proposed land uses and the associated water demand factors.

As shown in **Table 3.0-6, Proposed Project Greenhouse Gas Emissions**, the proposed project's net GHG operational emissions would be 113 MT CO<sub>2</sub>e/year lower as compared to the existing home improvement store.

**Table 3.0-6**  
**Proposed Project Greenhouse Gas Emissions**

Emissions Source	Metric Tons of Carbon Dioxide Equivalent (per year)
Amortized Construction	2.94
Area Sources	0.009
Energy Sources	113
Mobile Sources	807
Waste Sources	44.1
Water Sources	6.48
<b>Total GHG Emissions</b>	<b>973.53</b>
<b>Existing GHG Emissions</b>	<b>1,086.5</b>
<b>Net GHG Emissions</b>	<b>-113</b>

*Source: Impact Sciences, 2021. See Appendix A.*

As shown in **Table 3.0-6**, the project's combined long-term net operational emissions and amortized construction emissions would be approximately 113 MT CO<sub>2</sub>e/year lower than the existing home improvement store operating on the project site. As a result, the impact is less than significant.

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

**Less Than Significant Impact.** The proposed project would have a significant impact with respect to GHG emissions and global climate change if it would substantially conflict with the provisions of Section 15064.4(b) of the *State CEQA Guidelines*.

Pursuant to Appendix G of the *CEQA Guidelines*, a significant GHG impact is identified if the project could conflict with applicable GHG reduction plans, policies, or regulations. Development projects would be subject to complying with SB 32. SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40% below 1990 levels. CARB issued the 2017 Final Scoping Plan to reflect the target set by Executive Order B-30-15 and codified by SB 32.<sup>24</sup> The 2017 Final Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide target.

<sup>24</sup> CARB California's 2017 Climate Change Scoping Plan. Available online at: [https://ww3.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf), accessed February 20, 2020.

The proposed project would not conflict with or otherwise interfere with the statewide GHG reduction measures. The proposed project would redevelop an existing commercial building in order to construct a preschool and elementary school near residential neighborhoods north and west of the site. As a result, the proposed project is anticipated to reduce vehicle miles traveled (VMT) in the City of Milpitas by encouraging nearby residents to send their children to the Stratford School instead of other preschools or elementary schools in the area that could be located at further distances. Further, as demonstrated above, the proposed project would reduce GHG emissions as compared to the existing home improvement store. The project would also be subject to local policies that may affect emissions of GHG including the City of Milpitas CAP. Even though the CAP is designed to reduce GHG emissions across the City into 2020, the CAP still provides applicable measures and action items individual Projects can undertake to further reduce GHG emissions. The CAP identifies six main Action Areas with specific GHG reductions, including energy, water, transportation and land use, solid waste, and off-road equipment. Many of the measures within the CAP are aimed at residential developments, increasing regional transit access, or actions for the City to undertake. As a result, many of the CAP measures would not be applicable to a new school within a redeveloped building. However, as demonstrated in **Table 3.0-7, Consistency with the City's Climate Action Plan Measures**, the proposed project would be consistent with the applicable CAP measures.

**Table 3.0-7**  
**Consistency with the City's Climate Action Plan Measures**

Measure	Action	Consistency Analysis
Measure 1.8. Online Energy Monitoring	Encourage the use of smart-grid and Energy Star appliances.	Consistent. The proposed project will be required to adhere to Title 24 Energy Standards which require Energy Star appliances be installed into new development.
Measure 4.1. Tiered Water Rates	Implement the water-efficient landscaping ordinance and the water conservation ordinance.	Consistent. The existing hardware supply store water both on-site landscaping and plants sold within the landscaping department of the store. The proposed project will save water as compared to the existing site by removing the landscaping department and converting it into a playground. The proposed project will not add any additional on-site landscaping to the site.
Measure 9.2. Nonresidential Parking Requirements	Revise development standards to create incentives to reduce the minimum parking requirements for new nonresidential buildings in Milpitas.	Consistent. The proposed project will utilize the existing parking lot that is shared with other commercial land uses. As a result, the proposed project will not
Measure 10.1: Parking for Low-emission Vehicles	Provide material to support developers in obtaining and providing charging stations	Consistent. The proposed project will redevelop 57 parking stalls to EV charging stations.
Measure 10.1: Parking for Low-emission Vehicles	Pre-wire stalls for electric vehicle charging stations for 2% of new parking capacity.	Consistent. The proposed project will redevelop 57 parking stalls to EV charging stations.

Measure	Action	Consistency Analysis			
Measure 11.1 Waste Diversion	Work with regional partners to increase the diversion of solid waste to 75% as required under Assembly Bill (AB) 341.	Consistent. The proposed project will be serviced by Republic Services which is required to divert waste consistent with all state and local policies.			

Source: City of Milpitas. 2013. Milpitas Climate Action Plan.

Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHG. The impact is less than significant.

### 3.2.9. HAZARDS AND HAZARDOUS MATERIALS

		Less Than Significant			
		Potentially Significant Impact	with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 create a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
	Impact	Incorporated	Impact	Impact	Impact
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

As noted above, the California Supreme Court, in *CBIA v. BAAQMD*, held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. On the other hand, if a project exacerbates a condition in the existing environment, the lead agency is required to analyze that impact of that exacerbated condition on future residents and users of a project (as well as other impacted individuals). Thus, the analysis associated with existing hazardous conditions below focuses on whether the proposed project would exacerbate these environmental conditions so as to increase the potential to expose people to impacts.

Would the project:

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

**Less than Significant Impact.** A significant impact would occur if the proposed project would create a significant hazard through the routine transfer, use, or disposal of hazardous materials. Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of school buildings. Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. However, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities.

Operation of the proposed project would involve the limited use and storage of common hazardous substances typical of those used at school facilities. No industrial uses or activities are proposed that would result in the use or discharge of unregulated hazardous materials and/or substances, or create a public hazard through transport, use, or disposal. Hazardous materials expected for occasional use may potentially consist of limited quantities of custodial and maintenance products, including commercial cleaners, lubricants, and paints. In addition, certain courses such as sciences classes and industrial arts may involve small quantities of chemicals, fuels and other petroleum products, solvents, and paints. The design and operation of the proposed project would satisfy all legal requirements by providing for, and maintaining appropriate storage areas from hazardous materials, installing or affixing appropriate

warning signs and labels, using commercial services that specialize in the recycling of used hazardous substances (i.e., collecting hazardous materials on a regular basis to minimize the quantity stored on site), installing emergency wash areas for flushing irritating substances from eyes and exposed skin areas should such contact occur, providing well-ventilated areas in which to use paints and solvents, and maintaining adult supervision during student's use of hazardous materials. All hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations and would not pose significant hazards to the public or the environmental. Therefore, impacts related to the transport, use, or disposal of hazardous materials use would be less than significant. No further analysis is required.

**b) Create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less than Significant Impact with Mitigation.** A significant impact would occur if the proposed project created a significant hazard to the public or environment due to a reasonably foreseeable release of hazardous materials. As noted in the preceding section, compliance with federal, state, and local laws and regulations relating to transport, storage, disposal, and sale of hazardous materials would minimize any potential for accidental release or upset of hazardous materials.

Construction of the proposed project would involve the use of potentially hazardous materials, including paints, cleaners, vehicle fuels, oils, and transmission fluids. But as stated prior, conformance with all applicable local, state, and federal regulations governing such activities would make foreseeable accidents highly unlikely. The existing building on-site would be redeveloped resulting in the removal and construction of interior walls. The existing building was constructed in 1983. Therefore, it is highly unlikely that the structure contains lead-based paint (LBP) or asbestos-containing materials (ACM) and thus no exposure to these materials is expected. However, the U.S. Consumer Product Safety Commission (CPSC) action, California Code of Regulations, Title 17, Section 35043 defines presumed lead-based paint as "paint or surface coating affixed to a component in or on a structure, excluding paint or surface coating affixed to a component in or on a residential dwelling constructed on or after January 1, 1979, or a school constructed on or after January 1, 1993." Since the existing building will be converted into a school and was constructed prior to 1993, California law requires the analysis to presume LBP will be on-site. Implementation of **Mitigation Measure HAZ-1** will identify how construction will identify and safely remove LBP and ACM if found on the site. Implementation of **MM HAZ-1** will reduce impacts to a less than significant levels.

**MM HAZ-1** Every contractor/employer who performs work at project site shall assess California Division of Occupational Safety and Health (Cal-OSHA) worker protection rules,

California Department of Public Health certification requirements, U.S. Environmental Protection Agency (EPA) standards, and state and federal disposal requirements. Any demolition activities likely to disturb lead-based paint/coatings or lead containing materials (LCMs) shall be carried out by a contractor trained and qualified to conduct lead-related construction work, and all lead-related work shall be performed in accordance with the U.S. Office of Housing and Urban Development guidelines (ProTech 2013). must be disposed of in accordance with the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants and LCMs must be handled in accordance with the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1) and disposed of in accordance with California Department of Toxic Substances Control and EPA requirements for hazardous waste. Demolition plans and contract specifications shall incorporate any necessary abatement measures required under these guidelines and regulations.

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

**Less than Significant Impact.** The proposed project will redevelop an existing single floor commercial building into a 20-classroom school.

As previously discussed, construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of school development (i.e., paints, building materials, cleaners, and fuel for construction equipment). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. However, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities. Furthermore, construction of the proposed project will not occur within one-quarter mile of an existing school and the proposed school on-site will not be operational under construction activities are complete.

Operation of the proposed project may require a variety of products to be transported to and exist on site to be used for facility upkeep that could be considered hazardous if used inappropriately. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. Examples of such materials could include but are not limited to cleaning solvents, pesticides and herbicides for landscaping, and painting supplies. All potentially hazardous materials transported, stored, or used on site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

As the proposed project will comply with all federal, state, and local standards and regulations, it is not anticipated to emit any hazardous emissions during construction or operation. Therefore, the proposed project is not expected to adversely affect school operations, including students and staff. Impacts would be less than significant.

**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?**

**Less than Significant Impact.** California Government Code Section 65962.5 requires various state agencies, including but not limited to, the Department of Toxic Substances Control (DTSC) and the State Water Resources Board (SWRCB), to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells and solid waste facilities where there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis.<sup>25</sup> A significant impact may occur if a project site is included on any of the above lists and poses an environmental hazard to surrounding sensitive uses.

The California DTSC maintains a database (EnviroStor) that provides access to detailed information on hazardous waste permitted sites and corrective action facilities, as well as existing site cleanup information. EnviroStor also provides information on investigation, cleanup, permitting, and/or corrective actions that are planned, being conducted, or have been completed under DTSC's oversight. The proposed project is not located on a site that is included on a list of hazardous materials pursuant to Government Code 65962.5, which is the Hazardous Waste and Substances (Cortese) List. A review of the Cortese List compiled on the DTSC, State Water Board, EnviroStor<sup>26</sup> and CAL EPA showed that the site is not identified on any of these database lists. Therefore, the proposed project would not be located on a site that is included on a list of hazardous materials sites or create a significant hazard to the public or the environment, and impacts would be less than significant.

**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 or excessive noise for people residing or working in the project area?**

**No Impact.** The project site is not located within an airport land use plan. The nearest airport to the project site, Norman Y. Mineta San Jose International Airport, is located approximately 4.5 miles southwest.

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<sup>25</sup> These lists include, but are not limited to, the 'EnviroStor' (<http://www.envirostor.dtsc.ca.gov/public/>) and 'GeoTracker' (<http://geotracker.waterboards.ca.gov/>) lists maintained by the DTSC and the SWRCB, respectively.

<sup>26</sup> Envirostor is the Department of Toxic Substances Control's data management system.

Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area, and impacts would be less than significant.

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

**Less than Significant Impact.** The proposed project is not anticipated to interfere with an emergency response plan or evacuation plan. During an emergency surrounding properties would evacuate onto the main roads, towards the freeways. The proposed project will redevelop an existing building and therefore would not alter street patterns associated with the major emergency evacuation routes or severely clog the evacuation routes. The proposed project would not result in an increase in the surrounding population as the additional students would likely be living in the area. In addition, the proposed project will designate visitor parking spaces at the front of the school for parents to park during preschool and prekindergarten drop off/pick-up. There is a second drop off/pick up area on the eastern side of the proposed school within the existing parking lot for kindergarten, first grade, and second grade elementary school students. The design allows for a 63-car stack that moves along the perimeter of the proposed project site. The drop off/pick up will be monitored by school officials to ensure efficiency and safety. The school will allow four cars into the pick-up and drop-off zone at one time. Once the four cars have picked up or dropped off the students, the cars will be escorted to exit on North Milpitas Boulevard and four new cars will be signaled to enter the pick-up and drop-off zone. During pick up, parents will be given name placards to place in the visor of their cars so that school officials may line up the students and quickly escort them to the correct car. The pickup and drop off times from kindergarten, first grade, and second grade students will be staggered to reduce traffic. This approach would reduce potential traffic and congestion from affecting the main streets. Therefore, the impact would be less than significant and no further study is required.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

**No Impact.** A significant impact would occur if the proposed project exposed people and structures to high risk of wildfire. The project site is not located within or near any Fire Hazard Severity Zones (FHSZ).<sup>27</sup> Therefore, the project would not expose additional people or structures to a risk of loss, injury, or death involving wildland fires.

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<sup>27</sup> State of California Geoportal. *California Fire Hazard Severity Zone Viewer*. Available online at: <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>.

### 3.2.10 Hydrology and Water Quality

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
i. result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation??	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Would the project:

a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**No Impact.** A significant impact would occur if the proposed project discharges water that does not meet the quality standards of agencies which regulate surface water quality and water discharge into storm

water drainage systems. A significant impact would also occur if the proposed project would not comply with all applicable regulations with regard to surface water quality as governed by the SWRCB.

As part of Section 402 of the Clean Water Act, the EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct storm water discharges. In California, the SWRCB administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the RWQCB to preserve, protect, enhance, and restore water quality.

A project would normally have a significant impact on surface water quality if discharges associated with a project would create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or Water Quality Control Plan for the receiving water body. For the purpose of this specific issue, a significant impact may occur if a project would discharge water which does not meet the quality standards of agencies which regulate surface water quality and water discharge into stormwater drainage systems. Significant impacts would also occur if a project does not comply with all applicable regulations with regard to surface water quality as governed by the SWRCB. These regulations include compliance with the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements to reduce potential water quality impacts.

Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur. Therefore, no impacts to surface or groundwater quality would occur.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the Project may impede sustainable groundwater management of the basin?**

**No Impact.** A significant impact would occur if the proposed project substantially depleted groundwater or interfered with groundwater recharge. The proposed project would not install any groundwater wells and would not otherwise directly withdraw any groundwater. The project site is currently developed and is not currently used for groundwater recharge activities. Therefore, no impacts related to groundwater are anticipated.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**(i) Result in substantial erosion or siltation on- or off-site;**

**No Impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of the site or an existing stream or river, so that substantial erosion or siltation would result on- or off-site.

Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur. Therefore, the proposed project would not result in substantial erosion or siltation on- or off-site.

**ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

**No Impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of an existing stream or river so that flooding would result. No streams or rivers exist on the project site and no new impervious surfaces will be constructed as a result of project implementation. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur. As discussed above under **Subsection 3.2.9(c)**, implementation of the proposed project is not anticipated to change the drainage pattern on the project site and would not change the existing rate or amount of surface water runoff from that of existing conditions. Therefore, the proposed project would not result in any impacts related to the alteration of drainage patterns and on- or off-site flooding.

**iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**No Impact.** A significant impact would occur if runoff water exceeded the capacity of existing or planned storm drain systems serving the project site. A project-related significant impact would also occur if the project would substantially increase the probability that polluted runoff would reach the storm drain system. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground disturbing activities will occur. Therefore, the proposed project would not change the drainage pattern for the project site. As the drainage pattern, percentage of pervious area, and uses of the project site would not change, the proposed project would not result in impacts related to runoff exceeding the capacity of the existing or planned storm drain system or result in additional sources of polluted runoff.

**iv) Impede or redirect flood flows?**

**No Impact.** Pursuant to the California Education Code (CEC) Section 17212 and 17212.5, and CCR Title 5, Section 14010(g), a school site shall not be located within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

The Federal Emergency Management Agency (FEMA) prepares and maintains Flood Insurance Rate Maps (FIRMs), which show the extent of Special Flood Hazard Areas (SFHAs) and other thematic features related to flood risk. The project site is located in an area of minimal flood risk (Zone X) and is not located within a 100-year flood zone, as mapped by FEMA.<sup>28</sup> Furthermore, the proposed project does not include an increase in impervious surfaces or new construction that would impede or redirect flood flows more than what currently occurs at the project site.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?**

**No Impact.** A significant impact would occur if the proposed project exposed persons or structures to an area susceptible to inundation by seiche, tsunami, or mudflow. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, or lake. A tsunami is a great sea wave produced by a significant undersea disturbance. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. The project site is not mapped within a tsunami hazard zone.<sup>29</sup> Similarly, damage to the project site due to a seiche is not likely at the project site because no bodies of water are present near the site. Furthermore, the project site is not positioned downslope from any unprotected slopes or landslide areas and is not positioned in an area of potential mudflow. Therefore, no impacts related to inundation by seiche, tsunami, or mudflow would occur.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**No Impact.** The proposed project would adhere to all applicable rules and regulations regarding water quality set by the SWRCB. The proposed project would not increase capacity, or resulting demand, on the project site. As such, additional extraction or procurement would not be necessary. As such, there will be no impact related to conflict with existing water plans.

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<sup>28</sup> City of Milpitas. *City of Milpitas Flood Zone*. Available online at: <https://www.arcgis.com/apps/webappviewer/index.html?id=bb584af1835e4c85a915daf8926f5f6c>.

<sup>29</sup> California Office of Emergency Services. 2009. *Tsunami Inundation Map for Emergency Planning State of California – County of Santa Clara Milpitas Quadrangle*. Available online at: [https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami\\_Inundation\\_Milpitas\\_Quad\\_SantaClara.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Inundation_Milpitas_Quad_SantaClara.pdf).

### 3.2.11 Land Use and Planning

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Would the project:

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

**No Impact.** A significant impact would occur if the proposed project would be sufficiently large or configured in such a way so as to create a physical barrier within an established community. A physical division of an established community is caused by an impediment to through travel or a physical barrier, such as a new freeway with limited access between neighborhoods on either side of the freeway, or major street closures.

The project does not propose any uses that would physically divide an established community, such as a new road or railway in a residential area. Therefore, no impacts would occur, and no further analysis is required.

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

**No Impact.** A significant impact may occur if a project is inconsistent with the General Plan or zoning designations currently applicable to the project site, and would cause adverse environmental effects, which the General Plan and zoning ordinance are designed to avoid or mitigate. The project site is zoned TC for Town Center uses and designated as Town Center (TWC) in the City of Milpitas General Plan Land Use Map. The project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There would be no impact with regard to this criterion.

### 3.2.12 Mineral Resources

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Would the project:

- 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?**
- 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?**

**No Impact.** The project site is not in or adjacent to any locally-important mineral resources. The City of Milpitas General Plan identifies four areas designated by the state geologist as containing Regionally Significant Construction Aggregate Resources.<sup>30</sup> However, each of these mineral resource areas are located in the foothills outside City limits. As such, development of the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the state, and there would be no impact related to the availability of mineral resources. Therefore, construction of the project would not impede extraction or result in the loss of availability of a known mineral resource. There would be no impacts with regard to these criteria.

<sup>30</sup> City of Milpitas. 2015. General Plan Open Space & Environmental Conservation Element. Available at: [http://www.ci.milpitas.ca.gov/\\_pdfs/plan\\_plan\\_general\\_chapter4.pdf](http://www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter4.pdf)

### 3.2.13 Noise

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. For a project located within the vicinity of a private airstrip or 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

This section is based on the information provided in the Noise and Vibration Technical Study (see **Appendix D**). The study describes the existing noise and vibration environment of the proposed Stratford School Project site located at 125 N. Milpitas Boulevard and evaluates the potential noise and vibration impacts of the proposed project. The Noise and Vibration Technical Report are incorporated herein by this reference and provided in **Appendix D** to this Draft Initial Study.

Would the project:

a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less than Significant Impact.**

#### *Construction Noise Impacts*

##### **Temporary On-Site Construction Activity**

The project would be considered to generate a significant temporary construction noise impact if Project construction activities exceeded 60 dB(A) Leq at nearby residences and exceeded the ambient noise environment by 5 dB(A) Leq or more for a period longer than one year.

Based on the expected construction schedule provided for the proposed project, the demolition phase would start at the beginning of January 2022, and application of architectural coatings/paint would conclude the construction project by September 2022, which would equate to approximately eight months of construction, which is below that one-year threshold for temporary construction noise impacts. Furthermore, construction would only involve minor interior wall demolition, paving for the playground on the western side of the building, construction of interior walls for classrooms and accessory rooms, and painting of exterior and interior walls. These activities do not require the use of heavy construction equipment such as excavators or bulldozers. Furthermore, noise from interior construction activity would be attenuated by the existing exterior walls of the building. Construction of the outdoor playground areas would not include earth disturbing activities. The installation of prefabricated playground equipment would involve only temporary, relatively minor noise impacts due to installation activities, vehicles such as haul trucks, vendor deliveries, and from employees that enter and exit the project site. Furthermore, construction will utilize best management practices that would further reduce potential temporary noise impacts. Since construction activities are not anticipated to utilize heavy construction equipment capable of producing construction noise above 60 dB(A) leq at nearby residences and since the entire project construction activities would not last for a period longer than one year; impacts are considered less than significant, and no mitigation is required.

### **Temporary Off-Site Construction Activity**

The project's off-site construction noise impact from haul trucks was analyzed by considering the project's estimated haul truck usage with existing traffic and roadway noise levels along the project's anticipated haul route. Because it takes a doubling of traffic volumes on a roadway to generate the increased sound energy it takes to elevate ambient noise levels by 3 dB(A),<sup>31</sup> the analysis focused on whether truck traffic would double traffic volumes on key roadways to be used for hauling soils to and/or from the project Site during construction activities. Because haul trucks generate more noise than traditional passenger vehicles, a 19.1 passenger car equivalency (PCE) was used to convert haul truck trips to a reference level conversion to an equivalent number of passenger vehicles.

Construction haul trucks would generate noise off-site during site demolition. This would include removal of materials from the project site and demolished materials. While this vehicle activity would increase ambient noise levels along the proposed haul route, ambient noise levels would not be expected to significantly increase ambient noise levels by 3 dB(A) or greater at any noise sensitive land use. Studies have shown that a 3 dB(A) increase in sound level pressure is barely detectable by the human ear. A 3 dB(A) increase in roadway noise levels requires an approximate doubling (i.e., 100% increase) of roadway

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<sup>31</sup> Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.

traffic volume, assuming that travel speeds and fleet mix remain constant.<sup>32</sup> The TIA (see **Appendix B**) completed for the Project shows that existing 2021 shopping center use totals 1,664 daily vehicle trips. The demolition period is conservatively estimated to have a total of 50 hauling trips (as assumed in the **CalEEMod Air Quality and Greenhouse Gases Technical Study, Appendix A**) over an 11-day period, averaging about 4.5 trips per day. Because haul trucks generate more noise than traditional passenger vehicles, a 19.1 passenger car equivalency (PCE) was used to convert haul truck trips to a reference level conversion to an equivalent number of passenger vehicles. The addition of 86 PCE trips to local roadways would account for a 5.2% increase in daily traffic volume and corresponding noise impact. Since it would take a doubling (i.e., 100% increase) of roadway traffic volume to increase noise levels by 3 dB(A), the addition of 86 PCE trips due to haul trucks from the project would have no perceptible increase in noise. Impacts are less than significant.

### ***Operational Noise Impacts***

#### **Permanent Operational Traffic Noise**

For operational noise impacts, the City's noise ordinance generally limits the generation of noise that exceeds the actual measured existing ambient noise level by 3 dB(A) DNL at neighboring properties. Therefore, increases in 3 dB(A) DNL above ambient noise levels are considered significant, unless mitigated.

Traffic noise in the project area was estimated using average daily traffic volumes obtained in the traffic study done for the project. Traffic noise was compared to the existing traffic volumes to get a percentage of increase due to the project. As noted previously, it takes a doubling of traffic to increase ambient noise levels by 3 dB(A).<sup>33</sup>

As discussed above, a 3 dB(A) increase in roadway noise levels requires an approximate doubling of roadway traffic volume, assuming that travel speeds and fleet mix remain constant. A 3 dB(A) noise level increase is the minimum noise level increase required for a human to perceive a change in ambient noise.

Traffic volumes in the project area were obtained from the TIA (see **Appendix B**) prepared for the proposed project. Trip generation information for the proposed project was added to existing daily traffic volumes to determine whether traffic increased enough to result in an audible noise level increase. The TIA shows that current shopping center use totals 1,664 daily vehicle trips. The proposed uses for the school are estimated to have 1,967 daily trips. The project's addition of daily trips (1,967 proposed trips minus the

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<sup>32</sup> California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Protocol*. September 2013.

<sup>33</sup> Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

1,664 current 2021 shopping center trips results in 303 net trips) would cause an increase of 18.2% in daily traffic volumes. This increase in traffic volumes compared to current traffic counts (1,664 trips) is not significant enough to cause an audible increase in traffic noise since it takes a doubling of traffic to increase noise levels to a perceptible degree of 3 dB(A). Impacts would be less than significant.

### Permanent Operational Stationary Noise

Operational impacts from new stationary sources include playground noise from the outdoor play areas at either end of the Project, as well as parking noise that would be generated, especially during pickup and drop off times.

During project operation, adjacent residential uses may be disrupted by intermittent noises from two outdoor play areas that flank the building. These outdoor areas would be as close as 40 feet south of the rear of residences along Silverlake Drive to the north and 50 feet from residences along Shadowlake Court to the west. Students' activities could occur intermittently through the day. Noise from these areas would be partially shielded by existing walls that enclose these spaces, as well as existing concrete masonry unit walls along the northern and western property lines that would shield any noise from the school and its play areas. The attenuation provided by a masonry wall depends on many site-specific considerations including its orientation of noise sources and receptors, and its size and design. As a general rule of thumb, interrupting the noise source with such a wall would reduce off-site noise levels by approximately 5 dB(A).

As illustrated in **Figure 3.0-1, Play Area Noise Impacts**, noise from these play activities would range from 35.9 dB(A) to 47.2 dB(A) Leq at nearby sensitive receptors during any peak activity periods, assuming up to one hour of activity in both areas in the morning and one hour in the afternoon. As shown in **Table 3.0-8**, these increases would elevate ambient noise levels at sensitive receptors by up to 2.6 dB(A) Leq, changes that would be virtually inaudible to nearby sensitive receptors.

**Table 3.0-8**  
Play Area Noise Impacts at Off-Site Sensitive Receptors

Residential Sensitive Receptor	Maximum Noise Level from Play Activities (dB(A), Leq)	Existing Ambient Noise Level (dB(A), Leq)	New Ambient Noise Level (dB(A), Leq)	Noise Level Increase (dB(A), Leq)
1. 100 Block of Sagemeadow Ct.	35.9	52.6	52.7	0.1
2. 200 Block of Shadowlake Ct.	47.2	48.1	50.7	2.6
3. 100 Block of Silverlake Dr.	45.1	48.1	49.9	1.8
4. 200 Block of Silverslake Dr.	41.0	50.1	51.3	0.5
5. 200 Block of Milpitas Boulevard	37.4	63.2	63.2	0.0



SOURCE: Google Earth, 2021

FIGURE 3.0-1

As noted above, the City's noise ordinance generally limits the generation of noise that exceeds the actual measured existing ambient noise level by 3 dB(A) DNL at neighboring properties. The day-night average sound level (Ldn or DNL) is an average noise level over a 24-hour period. Noise levels occurring between the hours of 10:00 PM and 7:00 AM are increased by 10 decibels (dB). This noise is weighted to take into account the decrease in community background noise of 10 dB(A) during this period.

Intermittent daytime noises have little effect on day-night average noise levels, which are critical to noise-sensitive land uses. This is due to the fact that DNL noise levels are an average over a 24-hour period, and therefore intermittent noise increases during the daytime are averaged out through the 24-hour period. Up to two hours of activity in these areas could generate 46.4 dB(A) DNL at the closest sensitive receptors. These would not elevate DNL at nearby receptors by more than 3 dB(A). Therefore, the increase in noise from outdoor activities would be less than a 3 dB(A) Ldn increase and impacts would be less than significant.

Parking noise typically generates noise levels of approximately 60 dB(A) at 50 feet. According to the project site plan, passenger drop off and parking areas will be provided onsite. According to information provided by Stratford, 10% of students participate in the morning extended day program and will arrive between 7:00 AM and 8:00 AM. The other 90% of students will arrive during the drop off time between 7:45 and 8:15 AM. This would be the most intense period, as during the afternoon, approximately 40% of students will be picked up between 3:30 and 4:00 PM, with the remaining 60% of students picked up randomly before 6:00 PM. Cars would queue around the back side of the school. Staff parking for the proposed project would occur along the western perimeter of the building. The closest receptors would be residential uses to north and west adjacent to the property line. As noted above, intermittent daytime noises have little effect on day-night average noise levels. Furthermore, the concrete wall that separates the residential uses from the commercial complex would reduce noise by approximately 5 dB(A) and noise impacts from queuing cars during pickup and drop-off or parking would be less than significant.

**b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Less than Significant.** Construction vibration damage criteria are assessed based on structural category (e.g., reinforced-concrete, steel, or timber). FTA guidelines consider 0.2 inch/sec Peak Particle Velocity (PPV) to be the significant impact level for non-engineered timber and masonry buildings. Structures or buildings constructed of reinforced concrete, steel, or timber have a vibration damage criterion of 0.5 inch/sec PPV pursuant to FTA guidelines.<sup>34</sup> The FTA Guidelines include a table showing the vibration

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<sup>34</sup> Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*. September 2018.

damage criteria based on structural category and is presented below in **Table 3.0-9, Construction Vibration Damage Criteria**.

**Table 3.0-9**  
**Construction Vibration Damage Criteria**

Building/Structural Category	PPV, in/sec
I. Reinforced-concrete, steel, or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Non-engineered timber and masonry buildings	0.2
IV. Buildings extremely susceptible to vibration damage	0.12

*Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual. September 2018.*

Groundborne vibration generated by construction activities associated with the proposed project would affect both on- and off-site sensitive uses located near the project site. **Table 3.0-9, Vibration Source Levels for Construction Equipment**, shows vibration velocities from typical construction equipment, which range from 0.003 to 0.089 inch/sec PPV at 25 feet from the source activity, with corresponding vibration levels (VdB) ranging from 58 VdB to 87 VdB at 25 feet from the source activity, depending on the type of construction equipment in use. The Project does not include ground disturbing activities and is primarily the renovation of the interior of the existing building. Therefore, construction phases will not utilize heavy equipment such as large bulldozers, nor would the project include any drilling. Of the listed equipment in **Table 3.0-9**, only loaded trucks are likely to be utilized, primarily during the removal of debris and material during the demolition of interior walls. These loaded trucks would likely stage to the north end of the project site at the loading area, located approximately 25 feet away from the closest residences. It should be noted that none of these buildings are considered historic and are thus evaluated as non-engineered timber and masonry buildings.

**Table 3.0-10**  
**Vibration Source Levels for Construction Equipment**

Equipment	Approximate PPV (in/sec)					Approximate RMS (VdB)				
	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet
Large Bulldozer	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Caisson Drilling	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Loaded Trucks	0.076	0.027	0.020	0.015	0.010	86	77	75	72	68
Jackhammer	0.035	0.012	0.009	0.007	0.004	79	70	68	65	61
Small Bulldozer	0.003	0.001	0.0008	0.0006	0.0004	58	49	47	44	40

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

Notes: PPV = peak particle velocity, VdB = vibration levels measured in decibel notation

As shown above in **Table 3.0-10**, loaded trucks would have vibration velocities of 0.076 inch/sec PPV at the nearest receptors approximately 25 feet away. According to the FTA Guidelines in **Table 3.0-9**, this is below the 0.2 inch/sec PPV threshold for non-engineered timber and masonry buildings. Therefore, impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or 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?

**No Impact.** The project site is not in the vicinity of a private airstrip or airport land use plan and the Norman Y. Mineta San José International Airport is a public-use airport located approximately four miles southwest of the project site. As such, the project would not expose people residing or working in the project area to excessive airport-related noise levels. No impact would occur from the proposed project and no further analysis is required.

### 3.2.14 Population and Housing

	Less Than Significant	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Would the project:

a) **Induce substantial unplanned 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)?**

**No Impact.** The project would serve as a pre-school, kindergarten, first grade, and second grade school for 480 students. While the school is private, it is likely going to be attended by the neighboring community; thus, it would not induce population growth in the area. Furthermore, there are no housing units or businesses incorporated in the proposed project. As a result, the proposed projects would not induce substantial population growth in the area, either directly or indirectly. There would be no impact with regard to this criterion.

b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** There are no residences or people currently living on the project site. As a result, the proposed project would not displace any housing or people. There would be no impact with regard to this criteria.

### 3.2.15 Public Services

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. 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 public services:					

	Less Than Significant			
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Fire protection?**

**Less than Significant Impact.** The project would redevelop a commercial building into a 480-student school for pre-school, kindergarten, first grade, and second grade age children. The proposed project will serve the surrounding community and City of Milpitas. Thus, it would not induce population growth in the area. Additionally, the project site is not located directly adjacent to wildlands so the spreading of a potential fire is unlikely. Furthermore, the existing home improvement commercial structure sold highly flammable products such as paints that have been removed and the proposed project will not include storage of these types of products. Therefore, construction and operation of the project would not affect Milpitas Fire Department (MFD) services or response times. There would be no impact with regard to this criterion.

**b) Police protection?**

**Less than Significant Impact.** The City of Milpitas is under the jurisdiction of the Milpitas Police Department (MPD). MPD provides law enforcement throughout the City. The nearest MPD station is located approximately 1.3 miles north of the project site. Without the proposed project, the students that will enroll at the Stratford School would likely be attending a different school within Milpitas. As a result, the movement of 480 students from other areas within the City to the proposed site would not impact public services and current government facilities would be sufficient to properly serve the site. Therefore, the project would have a less than significant impact on these public services.

**c) Schools?**

**No Impact.** The proposed project would not include any residential component and would not directly and/or indirectly result in population growth. Development of the proposed project would provide an additional preschool, kindergarten, first grade, and second grade school for Milpitas' residents and not warrant additional schools in the area. No impact would occur.

## d) Parks?

**No Impact.** The proposed project would not include any residential uses that would result in a permanent population increase, resulting in a need for new or expanded park facilities. The school will include two private recreation areas, including new play structures. Pursuant to California Education Code Section 38131.b, also known as the Civic Center Act, school facilities would be available during off-school hours for permitted use by public organizations which would add to the available recreation space in the community. With the availability of shared-use open space for recreation onsite, the project is not anticipated to have an effect on the community. No impact would occur.

## e) Other Public Facilities?

**No Impact.** The proposed project would not lead to an increase in population that would increase demand for other public services, including libraries, community centers, and public health care facilities. Construction and operation of the proposed project would not affect MPD's services or response times. There would be no impact with regard to these criteria.

## 3.2.16 Recreation

a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**No Impact.** See response to Section 15(d and e), above.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact.** See response to Section 15(d and e), above.

## 3.2.17 Transportation and Traffic

	Potentially Significant Impact	with Incorporation	Less Than Significant Impact	Less Than Significant Impact	No Impact
a. Conflict with a plan, ordinance or policy addressing the performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	Less Than Significant			
	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. For a transportation project, would the project conflict with or be inconsistent with <i>CEQA Guidelines</i> section 15064.3, subdivision (b)(2) ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section is based on the information provided in the TIA (see **Appendix B**). Hexagon Transportation Consultants, Inc. completed this traffic operations analysis for the proposed Stratford School located at 125 North Milpitas Boulevard in Milpitas, California. The TIA is incorporated herein by this reference and provided in **Appendix B** to this Draft Initial Study. Would the project:

**a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Less than Significant Impact.**

The proposed project would utilize the existing circulation systems that serve the project area. There are no changes proposed to the design or configuration of these systems in the project area.

There is an existing Class I bike path along Berryessa Creek north of the project site. There are existing Class II bike lanes on Milpitas Boulevard between the City boundary with Fremont to north and the Milpitas Bay Area Rapid Transit (BART) station just south of Montague Expressway. Existing pedestrian facilities in the project area consist of sidewalks and crosswalks found along roadways in the study area near the site. Intersections within the project area have pedestrian crosswalks and curb ramps. All signalized intersections have pedestrian-actuated pedestrian-crossing phases.

Existing transit service in the area includes Valley Transportation Authority (VTA) Bus Line 47 and Alameda-Contra Costa (AC) Transit Bus Line 217. Line 47 connects the Milpitas BART station with McCarthy Ranch Shopping Center via Calaveras Boulevard, Park Victoria Drive, and Montague Expressway, with 60-minute headways between approximately 7:00 AM and 7:00 PM on weekdays and weekends. Line 47 has stops on Calaveras Boulevard just east of North Milpitas Boulevard about 0.4 mile

from the project site. The Milpitas BART station is located approximately two miles south of the site at the northeast corner of the Montague Expressway/Great Mall Parkway intersection. Line 217 connects the Milpitas BART station with the Fremont BART station via Mission Boulevard and Milpitas Boulevard, with 30-minute headways between approximately 7:00 AM and 10:30 PM on weekdays and weekends. Line 217 has stops on North Milpitas Boulevard at Beresford Court/Town Center Drive within walking distance to the project site.

Pedestrian pathways along the front perimeter of the school building are shown on the site plan (see **Figure 2.0-6, Site Plan**), providing continuous site pedestrian circulation and access between the main building entrance, loading area, and North Milpitas Boulevard.

Overall, it is anticipated that the volume of pedestrian and bike trips generated by the project would not exceed the carrying capacity of the existing sidewalks, crosswalks, and bike facilities on streets surrounding the site. The predominant travel mode for private school students tends to be motor vehicles. According to the Valley Transportation Authority (VTA) Congestion Management Program (CMP) Transportation Impact Analysis (TIA) Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies; or (3) it would cause a change to existing bike paths such as alignment, width of the trail ROW, or length of the trail. Construction of the proposed project, with the implementation of the recommendations in this report, would not cause any of these criteria to be met. Consequently, the proposed project would not create an adverse impact to pedestrian or bicycle facilities in the area.

It is anticipated that the project would result in few additional transit riders, as most traffic would be generated via the drop off/pick up of young children. Most riders could be expected to be school staff. The low volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site. The VTA TIA Technical Guidelines state that a project would create an impact on transit if: (1) it would generate a demand for additional transit services; or (2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users (e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit). The Project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. Nor would the project preclude, modify, or otherwise affect existing or proposed transit projects or policies identified by the VTA. Consequently, the proposed project would not create an adverse impact to transit service in the area. Impacts would be less than significant.

**b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

**Less than Significant Impact.** The proposed project would utilize the existing network of regional and local roadways that serve the project area. There are no changes proposed to the design or configuration of roadways surrounding the project site.

During construction, construction vehicles would need to access the project site. The majority of construction equipment would be staged on the site, limiting the amount of equipment that would access the site on a daily basis and trips would cease once construction is complete.

Construction vehicle access to the project site would be provided via the driveway on North Milpitas Boulevard, and construction traffic routes shall avoid residential areas and other sensitive receptors to the extent feasible. This would ensure travel in the surrounding residential neighborhoods is minimized and that construction vehicles travel along arterial roadways to access the project site rather than through the neighborhoods or along pedestrian routes. Construction trips would be temporary and would result in a less than significant impact.

The project is the redevelopment of an existing commercial building to a new school for preschool, kindergarten, first grade, and second grade classes and the increase in trips will be from parents dropping off and picking up their children. The school will likely attract students from the surrounding neighborhood and homes lying immediately north and west of the project site. A VMT review was conducted to assess the potential impacts caused by the proposed land use change. Because the project would have less than 50,000 square feet of floor space, and its trip generation characteristics are considered similar to a local-serving retail land use entity with over 77%<sup>35</sup> of the student population having an approximate 5-mile or less commute from the project site, the project's impacts on VMT are considered less than significant in accordance with the Governor's Office of Planning and Research (OPR) Technical Advisory dated December 2018.

*“By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact.”*

Therefore, impacts are considered less than significant.

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

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<sup>35</sup> Based on student attendance zip code data provided by Stratford School.

**No Impact.** The proposed project would utilize the existing network of regional and local roadways that serve the project area. Primary access to the site would be provided via existing driveways at the shopping center on North Milpitas Boulevard and Beresford Court. There would be no modification to existing infrastructure or construction of any new design features. Therefore, no increase in hazards due to geometric design features or incompatible uses would occur and no impact to this resource area would occur.

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

**Less than Significant Impact.** The project is not anticipated to interfere with an emergency response plan or evacuation plan. Construction activities are not anticipated to result in temporary partial obstruction of adjacent roadways and the project site would comply with applicable regulations relating to access. Therefore, the impact would be less than significant.

### 3.2.18 Tribal Cultural Resources

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the project:

**Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k)?**

**No Impact.**

As discussed in **Section 3.2.5, Cultural Resources**, the school site has not been recommended for historic designation and is not identified on any of the historic resource lists/databases—the National Register of Historic Places<sup>36</sup> and the California State Historical Landmarks, Points of Historical Interest, and Register of Historic Places.<sup>37</sup> In addition, the site is not listed by the Milpitas Cultural Resources Council as a cultural resource or historic site.<sup>38</sup> No Tribal Cultural Resources (TCRs) have been identified on the project site (see **Appendix C**). Furthermore, the proposed project will redevelop the existing commercial structure and construction consists of predominantly interior modifications. The project will not include any grading or excavation as part of project construction. No ground disturbing activities would occur.

A California Historical Resources Information System records search and a Sacred Lands File (SLF) search were conducted for the project site and the surrounding area. On March 10, 2021, Impact Sciences requested a search of the Native American Heritage Commission (NAHC) SLF. The search result received on March 22, 2021, was negative (see **Appendix C**); no tribal cultural resources were identified as a result of the records searches and no impacts would occur.

- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

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<sup>36</sup> National Park Service. 2021. *National Register Database and Research*. Available online at: <https://www.nps.gov/subjects/nationalregister/database-research.htm#table>

<sup>37</sup> California State Parks, Office of Historic Preservation. *Santa Clara*. Available online at: [https://ohp.parks.ca.gov/?page\\_id=21522](https://ohp.parks.ca.gov/?page_id=21522).

<sup>38</sup> City of Milpitas. *General Plan: Open Space & Environmental Conservation Element*. Available online at: [http://www.ci.milpitas.ca.gov/\\_pdfs/plan\\_plan\\_general\\_chapter4.pdf](http://www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter4.pdf).

**No Impact.** Approved by Governor Brown on September 25, 2014, Assembly Bill 52 (AB 52) establishes a formal notification and, when requested, consultation process for California Native American Tribes to identify potential significant impacts to TCRs, as defined in PRC Section 21074, as part of CEQA. Assembly Bill 52 requires meaningful consultation with California Native American Tribes on potential impacts to TCRs, as defined in Public Resources Code Section 21074. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources.

As part of the AB 52 process, Native American tribes must submit a written request to the City of Milpitas to be notified of Projects within their traditionally and culturally affiliated area. The City of Milpitas must provide written, formal notification to those tribes within 14 days of deciding to undertake a project. The tribe must respond to the City of Milpitas within 30 days of receiving this notification if they want to engage in consultation on the project, and the City of Milpitas must begin the consultation process within 30 days of receiving the tribe's request. Consultation concludes when either 1) the parties agree to mitigation measures to avoid a significant effect on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes mutual agreement cannot be reached.

The City of Milpitas sent notification letters to a list of ten Native American contacts provided by the NAHC in compliance with AB 52 and SB 18 on April 8, 2021, to advise them of the project and afford them the opportunity to engage in government-to-government consultation pursuant to the requirements of California AB 52 (see Appendix C). Tribes that were notified include the Ohlone Indian Tribe, the Indian Canyon Mutsun Band of Costanoan, the Confederated Villages of Lisjan, the Rumsen Am:a Tur:ataj Ohlone, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, the North Valley Yokuts Tribe, the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, the North Valley Yokuts Tribe, and the Amah Mutsun Tribal Band. At the time of preparation of this IS/MND, the City of Milpitas received one request for consultation from the Confederated Villages of Lisjan Tribe via email on May 20, 2021 requesting a copy of the Final IS/MND for this project. In response, the City sent an email dated June 23, 2021 with a link to the City's website where the IS/MND and other project information could be found. No further correspondence was received (See Appendix C).

-The geographic area of the project site is not known to contain any TCRs and the project site does not contain any known archaeological sites or archaeological survey areas. Furthermore, the proposed project will redevelop the existing commercial structure and construction consists of predominantly interior

modifications. The project will not include any grading or excavation as part of project construction. No ground disturbing activities would occur. Therefore, no impacts to TCRs would occur.

### 3.2.19 Utilities and Service Systems

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the project:

a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

**Less than Significant Impact.** The proposed project is the modernization of an existing site that is served by water, wastewater, stormwater drainage, electric, natural gas, and telecommunication facilities.

## Water

The City of Milpitas Department of Public Works provides water service to the project site. The City's Department of Public Work services approximately 77,000 people and runs 200 miles of underground water pipe. The City's Department of Public Work purchases water through the San Francisco Public Utilities Commission and the Santa Clara Valley Water District.<sup>39</sup> Water is conveyed to users in the Project area through the City's water pipes. The site will use water for landscaping, restrooms, and use in a small kitchen. Students on the site will not be showering or bathing. Therefore, implementation of the proposed project would result in an incremental increase to water demand at the project site would transition from a commercial building to a 20-classroom school with 480 students. According to the CalEEMod output files, see **Appendix A**, the proposed project will use 11,384 gallons per day (indoor and outdoor) and the existing site used approximately 5,474 gallons per day (indoor and outdoor). As a result, the proposed project will result in a net increase demand of 5,910 gallons per day. Without the proposed project, the students that will enroll at the Stratford School would likely be attending a different school within Milpitas. As a result, water demand in the region is not expected to increase, but water demand will transfer to the project site. Therefore, impacts to the existing wastewater treatment system would be less than significant.

## Wastewater

The City of Milpitas Sanitary Sewer Collection System is owned and maintained by the City and provides sewer service to the project site. Wastewater from the City of Milpitas is treated at the San Jose/Santa Clara Water Pollution Control Plan (WPCP). WPCP treats an average of 110 million gallons of wastewater per day from 1.4 million residents and 17,000 main business connections for the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno.<sup>40</sup> The WPCP has the capacity to treat up to 167 million gallons of wastewater per day.<sup>41</sup>

According to the City's 2015 Urban Water Management Plan (UWMP), metered wastewater flows in 2015 totaled 6.1 millions of gallons per day (mgd), far below the City's current capacity right of 14.25 mgd. The proposed project will add 480 students to the project site. According to the CalEEMod output files, see **Appendix A**, the proposed project will demand 3,186 gallons per day of indoor water use for restrooms and use in a small kitchen. As discussed in Impact b, wastewater generation is conservatively assumed to be 100% of water consumption for a given land use. Because the WPCP operates at 57 million gallons

<sup>39</sup> City of Milpitas. *Critical Information You Need to Know About the State of Your Water System*. Available online at: <http://www.ci.milpitas.ca.gov/wp-content/uploads/2018/12/MilpitasWaterFactSheet.pdf>.

<sup>40</sup> City of Milpitas. 2016. *2015 Urban Water Management Plan*. Available online at: <http://www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf>.

<sup>41</sup> City of San Jose. *San Jose/Santa Clara Water Pollution Control Plan*. Available online at: <http://www3.sanjoseca.gov/esd/wastewater/water-pollution-control-plant.asp>.

per day under capacity and the City operates at 8.15 mgd under capacity, the additional 3,186 gallons of indoor water use per day of effluent generated by the proposed project would be accommodated without physical improvements to the system capacity or its operation. Therefore, impacts to the existing wastewater treatment system would be less than significant.

### ***Stormwater***

The proposed project will redevelop an existing commercial building and will utilize the existing parking lot. Construction consists of predominantly interior renovations and will not include any grading or excavation. No ground-disturbing activities will occur. As a result, the proposed project will not increase the amount of impervious surfaces on the project site. As such, the proposed project will not result in an increase in storm water run-off. Therefore, impacts to the existing stormwater system would be less than significant.

### ***Electricity, Natural Gas, or Telecommunications***

As stated above, the proposed project will redevelop an existing commercial building. The existing building currently includes connections to the existing electrical and gas infrastructure. Therefore, because the proposed project would connect to existing utility services within the project site, the relocation or reconstruction of new or expanded electricity, natural gas, or telecommunication facilities will not be required, and this impact is less than significant.

**b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?**

**Less than Significant Impact.** SB 221 and SB 610 amended existing California law regarding land use planning and water supply availability by requiring more information and assurance of supply than is currently required in an Urban Water Management Plan (UWMP). As of January 1, 2002, California law requires water retail providers to demonstrate that sufficient and reliable supplies are available to serve large-scale developments (i.e., 500 dwelling units or 250,000 square feet of commercial space) prior to completion of the environmental review process and approval of such large-scale projects.

Under SB 610, it is the responsibility of the water service provider to prepare a Water Supply Assessment (WSA) requested by a City or County for any “Project” defined by Section 10912 of the Water Code that is subject to CEQA.

Section 10912 of the Water Code defines a “project” as:

- a proposed residential development of more than 500 dwelling units;

- a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- a proposed hotel or motel, or both, having more than 500 rooms;
- a proposed industrial, manufacturing or processing plant, or industrial park, planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor space;
- a proposed mixed-use project that includes one or more of the previously listed projects; or
- a proposed project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

The proposed project would not meet any of the criteria resulting in the need for a WSA; therefore, no WSA is needed.

The California Urban Management Planning Act requires every municipal water supplier that serves more than 3,000 customers or provides more than 3,000 acre-feet per year (afy) of water to prepare an Urban Water Management Plan (UWMP). The 2015 UWMP prepared by the City of Milpitas includes estimates of past, current, and projected probable and recycled water use, identifies conservation and reclamation measures currently in practice, describes alternative conservation measures, and provides an urban water shortage contingency plan. According to the City, there are adequate supplies available to serve City needs through 2040.<sup>42</sup>

Buildout of the proposed project would create an increase in demand for water supplies compared to existing uses on the project site. According to the CalEEMod output files(see **Appendix A**) the project is anticipated to demand 3,186 gallons of indoor water use per year. Wastewater generation is conservatively assumed to be 100% of water consumption for a given land use. This is a conservative estimate of the additional water demand that would be generated by the proposed project, as the proposed project would not generate peak water or wastewater demand 365 days a year, as demand would only be generated while

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<sup>42</sup> City of Milpitas. 2016. *2015 Urban Water Management Plan*. Available online at: <http://www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf>.

school is in session. This increase in demand is not substantial and is not expected to significantly affect water supply.

The proposed project would comply with the following state laws requiring water-efficient plumbing fixtures and structures:

- California Health and Safety Code Section 17921.3, Installation of low-flush toilets and urinals.
- Title 20, California Administrative Code Section 1604(f) (Appliance Efficiency Standards) Compliance with efficiency standards for the maximum flow rate of all new showerhead, lavatory faucets, and sink faucets.
- Title 24, California Administrative Code Section 2-5307(b). California Energy Conservation Standards for New Buildings Installation only of fixtures certified to comply with the CEC flow rate standards.
- Title 24, California Administrative Code Section 2-5352 (i) and (f) Compliance with requirements for the installation of pipe that can reduce water used before hot water reaches equipment or fixtures. These requirements apply to steam and steam-condensate return piping and recirculating hot water piping in unheated spaces other than between floors or in interior walls. Insulation of water-heating systems is also required.

Thus, sufficient water supplies are expected to be available to serve the proposed project from existing entitlements and resources. For the reasons discussed above, implementation of the proposed project would have a less than significant impact associated with water demand. No further analysis is required.

c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Less than Significant Impact.** Refer to Threshold a) above.

d) **Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less than Significant Impact.** Construction of the proposed project would generate construction debris. Waste materials generated during construction are expected to be typical construction debris, including concrete, stucco, asphalt, rocks, building materials, wood, paper, glass, plastic, metals, cardboard, and other inert wastes (i.e., wastes that are not likely to produce leachates of environmental concern), as well as green wastes. The District would be subject to the 2019 CAL Green Construction Waste Reduction Requirements

that require 65% of the construction waste generated on the project site be diverted from landfills.<sup>43</sup> Waste generated during demolition and construction that is not recycled would result in an incremental and intermittent increase in solid waste disposal at landfills; however, this increase in solid waste would be short-term and not exceed the available capacities of area landfills. In addition, the project would comply with all waste recycling/reuse requirements in California Green Building Code Section 5.408. Thus, construction impacts related to solid waste would be less than significant.

Operationally, solid waste generated by the proposed project, which is not diverted, would be disposed of at a Class III landfill. Solid waste and recycling pickup and disposal in the City is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility that is permitted to accept up to 4,000 tons of municipal solid waste per day.<sup>44</sup>

According to the CalEEMod output files, the increase in students would result in 480 pounds of refuse per day, or approximately 0.24 tons per day (see **Appendix A**). These quantities do not account for any diverted waste or recycling activities. This increase in demand represents a negligible fraction of the solid waste generated within the region and, therefore, would not significantly impact available landfill capacity.

Furthermore, project implementation would include a solid waste diversion program (e.g., adequate areas for collecting and loading recyclables) and would result in the project meeting at least the minimum recycling level established by AB 939. As a result, the impact to solid waste is less than significant.

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**Less than Significant Impact.** During construction and operation of the proposed project, the City would comply with all applicable City, county, and state solid waste diversion, reduction, and recycling mandates. See response to Threshold 19.d.

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<sup>43</sup> CalRecycle. *CALGreen Construction Waste Management Requirements*. Available online at: <https://www.calrecycle.ca.gov/lgcentral/library/canddmodel/instruction/newstructures>, accessed September 30, 2020.

<sup>44</sup> Republic Services. *Newby Island Resource Recovery Park*. Available online at: <https://www.republicservices.com/municipality/newby-island>.

### 3.2.20 Wildfire

	Potentially Significant Impact	with Mitigation Incorporated	Less Than Significant Impact	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Would the project:

a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**Less than Significant Impact.** The project site is not located within any SRAs for fire service and is not within a very high fire hazard severity zone (VHFHSZ).<sup>45</sup>

The City of Milpitas Fire Department Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, and recover from natural disasters. Additionally, the County of Santa Clara Office of Emergency Services coordinates countywide emergency response efforts. The Office of Emergency Services prepared the County's Emergency Operations Plan (EOP) in 2017 to provide a comprehensive, single source of guidance and procedure for the County to prepare for, respond to, and manage significant or catastrophic natural or man-made threats or incidents. The EOP does not address specific responses, scenarios, hazards, or threats within Milpitas and does not indicate the emergency

<sup>45</sup> CAL Fire. *Fire Severity Zone Viewer*. Available online at: <https://egis.fire.ca.gov/FHSZ/>, accessed March 1, 2021.

evacuation routes within the County.<sup>46</sup> The proposed project would result in the redevelopment of an existing commercial building to a school and would not alter existing travel lanes or block adjacent public roadways. As a result, implementation of the project would not be expected to impair the function of nearby emergency evacuation. Therefore, the proposed project would not impact the implementation of a response plan or emergency evacuation plan, and impacts would be less than significant.

**b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

**Less than Significant Impact.** Wildfire conditions are primarily influenced by weather, vegetation, topography, and human activities. The interaction of these factors produces local and regional fire regimes. The fire regime in any area is defined by several factors, including fire frequency, intensity, severity, and area burned.

In Milpitas, the summers are long, warm, arid, and mostly clear; and the winters are short, cold, wet, and partly cloudy. Over the course of the year, the temperature typically varies from 43°F to 83°F and is rarely below 34°F or above 93°F. The wind in Milpitas typically blows from the west and speed varies over the course of the year with speeds ranging from 6.1 mph to 8.7 mph.<sup>47</sup>

As noted in **Impact 4.20.a**, the project site is not located within a VHFHSZ and, as a result, is not susceptible to wildfires. Further, the project site is generally level and is bound by existing development on all sides.

The project would not exacerbate wildfire hazards and would not create conditions that would expose project occupants to pollutant concentrations from a wildfire. Impacts would be less than significant.

**c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

**Less than Significant Impact.** Refer to **Section 4.20.a**. The project site is not located within an SRA for fire service and is not within a VHFHSZ. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure, and this impact would be less than significant.

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<sup>46</sup> County of Santa Clara Office of Emergency Services. 2017. *Emergency Operations Plan*. Available online at: [https://emergencymanagement.sccgov.org/sites/g/files/exicpb261/files/For%20Partners/Santa-Clara-County-OES-Emergency-Operations-Plan-2017-01\\_0.pdf](https://emergencymanagement.sccgov.org/sites/g/files/exicpb261/files/For%20Partners/Santa-Clara-County-OES-Emergency-Operations-Plan-2017-01_0.pdf), accessed March 1, 2021.

<sup>47</sup> Weather Spark, 2021. Average Weather in Milpitas. <https://weatherspark.com/y/1087/Average-Weather-in-Milpitas-California-United-States-Year-Round>. Accessed March 1, 2021.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**Less than Significant Impact.** Refer to **Section 4.20.a** and **4.20.b**. The project site is generally level with existing development surrounding the site and is not located within an SRA for fire service or a VHFHSZ. Therefore, the proposed project would not expose people or structures to significant risks as a result of post-fire slope instability or drainage and runoff changes and impacts would be less than significant.

### 3.2.21 Mandatory Findings of Significance

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

**Less than Significant Impact.** As discussed in **Subsection 3.2.4, Biological Resources**, the proposed project would not significantly impact any known threatened, endangered, or rare species or their habitats, locally designated species, locally designated natural communities, riparian or wetland habitats. Further, because the site and surrounding area are already developed, implementation of the project would not impact the habitat or population of the project site and the surrounding area, the project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare, endangered plant or animal.

**No Impact.** As discussed in **Subsection 3.2.5, Cultural Resources**, and **Subsection 3.2.7, Geology and Soils**, the project would not impact historical, archaeological, or paleontological resources.

b) **Does the project have impacts that are individually limited, but cumulatively considerable?**  
("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**No Impact.** Based on the proceeding discussions, no significant impacts were identified for the environmental factors analyzed above. As the proposed project would not result in any unmitigated significant impacts, there would be no cumulative impacts. No impact would occur and no further analysis is required.

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

**Less than Significant Impact.** As identified throughout the analysis, the proposed project would not have an environmental effect that would cause substantial adverse effects on human beings directly or indirectly. Impacts would be less than significant and no further analysis is required.

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