DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED INTERSTATE 880 BILLBOARDS PROJECT

STATE CLEARINGHOUSE #2010062083

Prepared by

THE CITY OF MILPITAS

with the Assistance of

WAGSTAFF/MIG
Urban and Environmental Planners

May 2011

CONTENTS

Page

1. INTRODUCTION 1-1

   1.1 Proposed Project 1-1
   1.2 EIR Purpose and Intended Use 1-2
   1.3 EIR Scope 1-2
   1.4 EIR Organization and Content 1-3
   1.5 "Significant Impacts" and other Key EIR Terminology 1-3

2. SUMMARY 2-1

   2.1 Proposed Project 2-1
   2.2 Environmental Issues 2-3
   2.3 Summary of Significant Impacts and Mitigation Measures 2-4
   2.4 Summary of Alternatives 2-8

3. PROJECT DESCRIPTION 3-1

   3.1 Project Area Location and Characteristics 3-1
   3.2 Project Background 3-10
   3.3 Project Objectives 3-15
   3.4 Project Characteristics 3-18
   3.5 Required Project Approvals 3-20

4. AESTHETICS 4-1

   4.1 Setting 4-1
   4.2 Regulatory Setting 4-4
   4.3 Impacts and Mitigation Measures 4-8

5. TRANSPORTATION 5-1

   5.1 Environmental Setting 5-1
   5.2 Regulatory Setting 5-3
   5.3 Impacts and Mitigation Measures 5-6

6. CEQA-REQUIRED ASSESSMENT CONCLUSIONS 6-1

   6.1 Cumulative Impacts 6-1
   6.2 Unavoidable Significant Impacts 6-3
   6.3 Irreversible Environmental Changes 6-3
   6.4 Effects Found Not to Be Significant 6-4

7. ALTERNATIVES 7-1

7.1 Alternative 1: No Project 7-2
7.2 Alternative 2: Lower Height 7-3
7.3 Alternative 3: Fewer Billboards 7-4
7.4 Alternative 4: All Non-LED Billboards 7-4
7.5 Alternative 5: Alternative Location--Two Billboards on East Side and One Billboard on West Side of I-880 7-6
7.6 Alternative 6: Alternative Location: One Billboard on East Side and Two Billboards on West Side of I-880 7-7
7.7 Alternative 7: Alternative Location: All Three Billboards on West Side of I-880 7-8
7.8 Environmentally Superior Alternative 7-9

8. MITIGATION MONITORING 8-1

8.1 Mitigation Monitoring Requirements 8-1
8.2 Mitigation Monitoring Checklist Format 8-1

9. APPENDICES 9-1

9.1 Notice of Preparation and Comments Received
9.2 Organizations and Persons Contacted
9.3 EIR Preparers

List of Figures

3.1 Project Location 3-2
3.2 Local Project Map: Site Options 1, 2, 3 and 4 3-3
3.3 Local Project Aerial: Site Options 1, 2, 3 and 4 3-4
3.4 Project Site Option 1 3-6
3.5 Project Site Options 1 and 2 3-7
3.6 Project Site Options 2 and 3 3-8
3.7 Project Site Option 4 3-9
3.8 Proposed Billboard Elevations 3-16
3.9 Proposed Billboards Perspective 3-17
4.1 Visual Simulation Viewpoints 4-9
4.2 Visual Simulation: Site Options 1 and 3 from Northbound I-880 4-10
4.3 Visual Simulation: Site Options 3 and 4 from Northbound I-880 4-11
4.4 Visual Simulation: Site Option 4 from California Circle 4-12
4.5 Visual Simulation: Site Option 4 from Residential Area on East Side of Penitencia Creek Channel 4-13
4.6 Visual Simulation: Site Option 3 from Southbound I-880 4-14
4.7 Visual Simulation: Site Option 1 from Southbound I-880 4-15
7.1 Alternative Billboard Locations 7-15

List of Tables

1.1 Definitions of Key EIR Terminology 1-4
2.1 Summary of Potentially Significant Impacts and Recommended Mitigation Measures 2-5
3.1 Digital Billboards Along Caltrans Highways 3-11

7.1 Alternatives Comparison to the Project 7-2
8.1 Mitigation Monitoring Checklist--Interstate 880 Digital Billboards Project 8-1

1. INTRODUCTION

This Draft Environmental Impact Report (Draft EIR) has been prepared by the City of Milpitas in accordance with the California Environmental Quality Act (CEQA)[1] and associated CEQA Guidelines[2] to describe the potential environmental consequences of the proposed Interstate 880 Billboards Project (Project). The Project applicant, SignCo East, LLC, proposes to install three separate billboard structures containing a total of six advertising facings, two per structure, along the east side of Interstate 880 (I-880) south of Dixon Landing Road in Milpitas. This Draft EIR is intended to serve as an informational document for use by public agency decision makers and the public in their consideration of the Project.

1.1 PROPOSED PROJECT

Four possible sites are under consideration for the three proposed billboard structures. The four possible sites are located along the western boundary of commercial and industrial parcels adjacent to the east edge of the I-880 freeway right-of-way, spaced at least 1,000 feet apart. Initially, four static and two electronic "digital" facings are planned. As market demand increases, it is anticipated that the four static facings would also be converted to electronic "digital" facings incrementally over the course of the project (i.e., over a period of five years or longer).

Each billboard structure would include two approximately 14-foot high by 48-foot wide displays facing opposite directions, mounted on a single sign column. The overall height of the billboards would be 70 feet. Each of the electronic billboard facings would display a number of static LED images in continuous rotation, with each image displayed for no less than four seconds.

The Project would require City of Milpitas (City) approval of a Development Agreement and Site Development Permit, as well as building permits. Each billboard would also require a Highway Outdoor Advertising Permit from the California Department of Transportation (Caltrans). A detailed description of the Project is provided in Chapter 3, Project Description, herein.

As used in this EIR, the term "Project" is defined to mean the proposed Interstate 880 Billboards Project and all associated discretionary approvals, including the requested Development Agreement and Site Development Permit from the City, the Highway Outdoor Advertising Permit from Caltrans, as well as other local and state approvals, entitlements, permits, and actions that may be required to implement the Project.

---

[1]The California Environmental Quality Act (CEQA) is codified in section 21000, et seq., of the California Public Resources Code.

[2]The CEQA Guidelines are set forth in sections 15000 through 15387 of the California Code of Regulations, Title 14, Chapter 3.

1.2 EIR PURPOSE AND INTENDED USE

1.2.1 Lead Agency Determination

Under CEQA, the City of Milpitas (City) is the designated Lead Agency for the Project. CEQA Guidelines Section 15367 defines the Lead Agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." As the Lead Agency, the City also intends that this EIR serve as the CEQA-required environmental documentation for consideration of the Project by responsible agencies[1]--e.g., Caltrans--and trustee agencies.[2]

1.2.2 Use of This EIR

This Draft EIR is intended to serve as a public information and disclosure document identifying those environmental impacts associated with the Project that are expected to be significant, and describing mitigation measures and alternatives that could minimize or avoid significant impacts.[3] In accordance with CEQA Guidelines Section 15146, such impacts and mitigations are discussed in this Draft EIR to the level of detail necessary to allow reasoned decisions about the Project and conditions of Project approval. As a result of the information in this Draft EIR, the City may act to approve or deny these various Project actions, and/or to establish any associated requirements or conditions of approval considered necessary to mitigate identified Project impacts on the environment.

1.3 EIR SCOPE

As required by the state CEQA Guidelines,[4] the scope of this Draft EIR includes all environmental issues to be resolved and all areas of environmental controversy known to the City. The scope was established by the City after soliciting comments from public agencies and the community regarding the Project. The City published a Notice of Preparation (NOP) on June 25, 2010, in accordance with CEQA Guidelines Section 15082, for the purpose of soliciting views of responsible agencies, agencies with jurisdiction by law, trustee agencies, and interested parties requesting notice, as to the appropriate scope and content of the EIR. The CEQA-required 30-day NOP comment period ended on July 25, 2010. The NOP and the single comment letter received (from Pacific Gas and Electric Company) are presented in Appendix 9.1 herein.

---

[1]Under the CEQA Guidelines, the term "responsible agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of the project for which the lead agency has prepared an EIR. Caltrans would be a responsible agency for this Project.

[2]Under the CEQA Guidelines, the term "trustee agency" means a state agency having jurisdiction by law over natural resources affected by the project that are held in trust by the people of California, such as the Department of Fish and Game and the State Lands Commission.

[3]CEQA Guidelines section 15149(b).

[4]Guidelines for Implementation of the California Environmental Quality Act, Chapter 3, Title 14, California Code of Regulations.

The impacts of the Project on Aesthetics and Transportation are described in Chapters 4 and 5, respectively. All other environmental topics included in CEQA Guidelines Appendix G were initially found not to be significant and are briefly addressed in Chapter 6, CEQA-Required Assessment Conclusions.

1.4 EIR ORGANIZATION AND CONTENT

The environmental evaluations presented in Chapters 4 and 5 follow the same format, consisting of the following subsections:

- *Environmental Setting,* which describes current conditions with regard to the chapter environmental topic;
- *Regulatory Setting,* which describes federal, State and local laws, regulations and policies applicable to the chapter environmental topic; and
- *Impacts and Mitigation Measures,* which explains the criteria under which an associated impact will be judged to be significant in this EIR, describes potential Project impacts, describes whether each identified potential impact is significant or less than significant, identifies one or more mitigation measures for each identified significant impact, and describes whether each identified impact would be significant or less than significant after implementation of the mitigation measures.

In addition, this Draft EIR includes a chapter summarizing the Draft EIR information in terms of various **CEQA-required assessment conclusions** (Chapter 6), including "unavoidable significant impacts," "irreversible environmental changes," "cumulative impacts," and "effects found not to be significant"; a chapter describing and comparing various possible **alternatives** to the proposed Project (Chapter 7); and a chapter outlining the City's proposed **mitigation implementation and monitoring** program for the EIR-identified mitigation measures (Chapter 8).

1.5 "SIGNIFICANT IMPACTS" AND OTHER KEY EIR TERMINOLOGY

This Draft EIR identifies the "significant impacts" of the Project and corresponding mitigation measures that would avoid or reduce those impacts to less-than-significant levels. Where it is determined in this EIR that a particular impact cannot be avoided or reduced to a less-than-significant level by the identified mitigation measures, the EIR identifies that impact as "significant and unavoidable." Such unavoidable impacts are also listed together in Section 6.1 of this EIR, "Unavoidable Significant Impacts." These particular terms ("significant," "unavoidable," "mitigation"), and other key CEQA terminology used in this EIR, are defined in Table 1.1.

Table 1.1

DEFINITIONS OF KEY EIR TERMINOLOGY

Significant/Potentially Significant Impact	"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. (CEQA Guidelines, section 15382.) *"An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."* (CEQA Guidelines, section 15382.)
Significant Cumulative Impact	"Cumulative impacts" are defined as *"two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."* (CEQA Guidelines, section 15355.)
Unavoidable Significant Impact	"Unavoidable significant impacts" are defined as those significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible. If the project is to be approved without imposing an alternative design, the Lead Agency must include in the record of the project approval a written statement of the specific reasons to support its action--i.e., a "statement of overriding considerations." (CEQA Guidelines, sections 15126.2(b) and 15093(b).)
Significance Criteria	The criteria used in this EIR to determine whether an impact is or is not *"significant"* are based on (a) CEQA-stipulated "mandatory findings of significance"--i.e., where any of the specific conditions occur under which the Legislature and the Secretary of Resources have determined to constitute a potentially significant effect on the environment, which are listed in CEQA Guidelines section 15065; (b) specific criteria that a Resources Agency has determined are "normally" considered to constitute a "significant effect on the environment;" (c) the relationship of the project effect to the adopted policies, ordinances and standards of the City and of responsible agencies; and/or (d) commonly accepted practice and the professional judgment of the EIR authors and Lead Agency staff.
Mitigation Measures	For each significant impact, the EIR must identify a specific "mitigation" measure or set of measures capable of *"(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments."* (CEQA Guidelines, section 15370.)

SOURCE: Wagstaff/MIG 2011.

2. SUMMARY

This EIR chapter provides a summary description of the proposed action (the Interstate 880 Billboards Project), a list of associated environmental issues to be resolved, a summary identification of significant impacts and mitigation measures associated with the Project, and a summary identification of possible alternatives to the Project (pursuant to CEQA Guidelines Section 15123, Summary).

This summary should not be relied upon for a thorough understanding of the details of the Project, its individual impacts, and related mitigation needs. Please refer to Chapter 3 for a complete description of the Project, Chapters 4 and 5 for a complete description of environmental impacts and associated mitigation measures, Chapter 6 for CEQA-required assessment conclusions, and Chapter 7 for a complete description and evaluation of identified alternatives to the Project.

2.1 PROPOSED PROJECT

2.1.1 Project Area Location and Site Characteristics

(a) Regional and Local Setting. The proposed three billboard structures would be located along the east side of the Interstate 880 (I-880) freeway segment south of the Dixon Landing Road interchange, in the northwestern corner of the city of Milpitas in Santa Clara County. The three billboard structures would be located between the interchange and a point approximately two miles south of the interchange. Lands east of this two-mile segment of I-880 are developed with suburban, low- to medium-density industrial, commercial and residential uses; lands west of this segment of I-880 are mostly undeveloped agricultural land and baylands.

(b) Project Site Characteristics. The three billboard structures would be located on already developed properties on the east side of the freeway and along the west side of California Circle and Cadillac Court containing industrial, office and commercial uses. The three structures would be located on three of four possible sites currently under consideration. The four possible sites are referred to in this EIR, in order from south to north, as Site Option 1, Site Option 2, Site Option 3, and Site Option 4--i.e.:

- *Site Option 1:* assessor's parcel number (APN) 022-38-020 at 1001 Cadillac Court;
- *Site Option 2:* APN 022-38-010 at 1181 Cadillac Court;
- *Site Option 3:* APN 022-38-002 at 1301 California Circle; and
- *Site Option 4:* APN 022-37-049 at 1545-1547 California Circle.

2.1.2 Project Background

(a) Digital Billboards. Electronic "digital" billboard facings are an emerging media type. A digital billboard facing typically contains a light emitting diode (LED) display that produces images controlled remotely by computer. Typically, approximately eight advertisements rotate continuously, each displaying a static image for about eight seconds. Scrolling, flashing, or moving images are generally prohibited by current federal, State and local regulations.

Currently, approximately 200 of the more than 10,000 freeway billboards in California are digital billboards. As of January 1, 2010, there were 35 digital billboards in the San Francisco Bay Area, including one on U.S. Highway 101 in Santa Clara County and five on I-880 in Alameda County.

(b) Digital Billboards in Milpitas. Over the past few years, there has been an emerging interest by the City and private entities in installing digital billboards at selected locations along the Milpitas segments of I-880, Interstate 680 (I-680), and State Route 237 (SR 237). The City has been interested in considering digital billboards as a potential source of municipal revenue and for possible use of a portion of the advertising in rotation to promote local businesses and economic development.

In November 2006, the City certified an EIR which identified the impacts of locating three new freeway billboards and replacing the two existing freeway billboards along I-680 and I-880. Two of the freeway billboards considered in 2006 were to be digital billboards. At the time, the City's Sign Ordinance prohibited freeway billboards. In August 2010, the City adopted a new Sign Ordinance which authorizes City consideration of freeway billboards along I-880, I-680, and SR 237.

(c) Billboard Regulation. Freeway billboards, including digital billboards, are regulated at the federal, State and local levels. The primary federal and State laws pertaining to billboards along highways are the federal Highway Beautification Act of 1965 and the State's Outdoor Advertising Act. At the local level, the City's Sign Ordinance establishes minimum City standards for billboards and specifies required findings for City approval of a proposed digital billboard. A Development Agreement and Site Permit Approval for one of the five billboards, the "Toyota sign," located at 950 Thompson Street (APN 086-05-026) in the northeast quadrant of the I-880/Great Mall Parkway interchange, were approved in June 2010.

2.1.3 Project Objectives

The Project applicant, SignCo East, LLC, has identified the following basic objectives of the Project:

- Install up to three new digital billboard structures with a combination of static and electronic "digital" facings at a Milpitas freeway location with high traffic volumes and visibility;
- Provide substantial billboard-generated economic benefits to the applicant and City, including new revenues and promotion of local businesses;
- Minimize associated visual and noise impacts on vicinity residential and hotel uses; and

- Comply with all federal, State, City and outdoor advertising industry laws, regulations and standards in order to adequately address potential billboard-related light, glare, traffic safety, and other impacts.

2.1.4 Project Characteristics

The Project consists of the installation of three new separate billboard structures containing a total of six advertising facings, two per structure, along the east side of I-880 south of Dixon Landing Road in Milpitas. Initially, four static and two digital facings are planned. As market demand increases, the four static facings would be converted to digital facings incrementally over the course of the project.

(a) Proposed Billboards Locations. The three billboard structures would be installed along the western boundary of three of four possible sites currently under consideration, parcels 002-038-020 (Site Option 1), 002-038-010 (Site Option 2), 022-38-002 (Site Option 3), and 002-037-049 (Site Option 4), adjacent to the freeway, and spaced at least 1,000 feet apart. If Site Option 4 is selected, the Project would also require removal of one existing free-standing advertising sign located on Site Option 4.

(b) Digital Billboards Characteristics. All three billboard structures would be identical in design. The advertising displays would be mounted on a single approximately eight-foot diameter sign column. The bottom of the displays would be approximately 56 feet above ground level. The top of the displays and overall height of the billboard structure would be 70 feet. Each billboard would have two 14-foot high by 48-foot wide displays facing opposite directions and slightly angled toward freeway viewers. Each of the digital facings would display a number of static images in continuous rotation, with each image displayed for no less than four seconds.

(c) Project Construction. One drilling rig, one crane, and one four- or five-person crew would be used for all three Project sites. A hole five feet in diameter and 32 feet deep would be drilled for each sign. Construction would last approximately five days.

2.1.5 Required Project Approvals

(a) City of Milpitas. The Project would require City approval of a Development Agreement and Site Development Permit. Each billboard would also require a City building permit.

(b) Caltrans. Each billboard would also require a Highway Outdoor Advertising Permit from Caltrans to allow the placement of an "off-premise" advertising display adjacent to a Caltrans facility.

2.2 ENVIRONMENTAL ISSUES

As required by the State CEQA Guidelines, the scope of this EIR includes all environmental issues to be resolved and all areas of controversy known to the Lead Agency (the City), including those issues and concerns identified as possibly significant by the City, and by other agencies, organizations, and individuals in response to the City's Notice of Preparation dated June 28, 2010. These areas of environmental concern include aesthetics (Chapter 4) and transportation (Chapter 5).

2.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

This Draft EIR identifies significant impacts of the Project related to aesthetics and transportation. The Project would have a less-than-significant impact with respect to all other CEQA Guidelines-listed environmental topics. The significant impacts and mitigation measures related to aesthetics and transportation identified in this Draft EIR are summarized in Table 2.1. The table is organized to correspond with the more detailed environmental evaluations and findings discussed in Chapters 4 and 5. Table 2.1 is arranged in five columns: (1) environmental impacts; (2) significance before mitigation; (3) mitigation measures; (4) mitigation responsibility; and (5) significance after mitigation. A full description of each significant impact and mitigation finding is presented in Chapters 4 and 5.

Table 2.1
SUMMARY OF POTENTIALLY SIGNIFICANT IMPACTS AND RECOMMENDED MITIGATION MEASURES

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
AESTHETICS				
Impact 4-1: Project Impacts on I-880 Gateway Visual Character. General Plan Open Space & Environmental Conservation Element Figure 4-6, Scenic Resources and Routes, identifies the southbound I-880 freeway segment at the northern city limits at Dixon Landing Road and the eastbound SR 237 highway segment at the western city limits as major visual "gateways" into the city. The City's Streetscape Master Plan includes landscaping and signage recommendations for the seven General Plan-identified major "gateways," including the I-880 and SR 237 "gateway" segments. The three Project billboard structures may be perceived by many as substantially degrading the visual character and quality of the General Plan-identified southbound I-880 "gateway" to Milpitas, which would represent a ***potentially significant impact.***	S	**Mitigation 4-1.** As a condition of approval, require the Project Development Agreement to include a process for modifying display and lighting specifications, if deemed necessary over time by the City. Modifications could include adjustments to digital display brilliance, content, motion, recess, aim, focus, shielding, etc. Implementation of these measures could reduce the potential impact of the billboard structures on I-880 "gateway" visual character. However, it cannot be assured that these measures would reduce the impact to a less-than-significant level; therefore, this impact is deemed to be ***significant and unavoidable*** (i.e., would require City adoption of a Statement of Overriding Considerations).	City/Applicant	SU
Impact 4-2: Project Spill Light and Sky Glow Impacts. A number of federal, State and City laws and regulations have been adopted to regulate the brilliance of billboard lighting so as to not impair the vision of drivers. Digital	S	**Mitigation 4-2.** As a condition of approval, require the final Project design specifications to include a combination of display shielding, display angle, display light source shielding, LED display brightness control; illumination	City/Applicant	LS

S = Significant
LS = Less than significant
SU = Significant unavoidable impact
NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
billboards are also equipped with sensors that modify the brightness of the LED display in response to ambient lighting conditions, so that the brightness of the display at night does not present a traffic safety hazard. These brightness regulations and controls are not intended, and may not be sufficient, to effectively control the potential for billboard sign spill light and sky glow impacts. Mitigation features to be included in the Project to shield nearby residences from spill light and to limit sky glow have not yet been specified--e.g., display brilliance (light intensity), static display light source shielding, electronic display dimming controls, and other specifications (display orientation, aim, focus and shielding) sufficient to prevent excessive glare or overcast illumination). Depending upon such specifications, the Project could cause excessive spill light and sky glow (especially during nighttime foggy conditions) that may create a nuisance for adjacent sensitive residential uses on Heath Street, Redwood Avenue, Glenmoor Circle, N. Abbott Avenue, and east of the Penitencia Creek channel. As a result, sky glow caused by the Project could substantially degrade the quality of nighttime views and night sky access from these nearby vantage points. These		aim, focus and shielding; etc., sufficient to shield nearby residential vantage point direct views of the displays and to prevent excessive glare, and stray (overcast) illumination. In addition, require the Project Development Agreement to include a process for modifying these various display and lighting specifications, if deemed necessary over time by the City, based upon directives received from Caltrans or the California Highway Patrol, complaints received, or the City's own periodic visual inspection and consideration of billboard operational characteristics. Implementation of these measures to the satisfaction of the City's Planning and Neighborhood Services Director would reduce the potential light, glare and sky glow impacts of the Project to a ***less-than-significant level.***		

S = Significant
LS = Less than significant
SU = Significant unavoidable impact
NA = Not applicable

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
possible light, glare and sky glow effects represent a ***potentially significant impact.***				
Impact 4-3: Cumulative Impact on Community Aesthetic Character. An EIR certified by the City in 2006 which evaluated the impacts of five new freeway billboards, including two digital billboards, along I-880 and I-680, concluded that the billboards would result in unavoidable significant impacts related to community character and visual intrusion on nearby residential and hotel uses. Based upon the findings of the 2006 EIR, the current Project together with the other five anticipated billboard structures evaluated in the 2006 EIR, including two with digital billboard facings, would result in significant cumulative impacts rated to community character, nearby residential area vantage points (visual character), and light, glare and sky glow. Based upon the findings in Chapter 4, Aesthetics, of this EIR for Impacts 4-1 and 4-2, the Project could result in a considerable contribution to this ***cumulative significant impact.***	S	**Mitigation 4-3:** Mitigations 4-1 and 4-2 in Chapter 4, Aesthetics, would reduce the Project contribution to this previously identified significant cumulative impact on community aesthetic character, but not assuredly to a less than considerable level. The potential Project contribution to this cumulative impact would therefore represent a ***significant and unavoidable*** impact.	City/Applicant	SU

S = Significant
LS = Less than significant
SU = Significant unavoidable impact
NA = Not applicable

2.4 SUMMARY OF ALTERNATIVES

To provide a basis for further understanding of the environmental effects of a proposed project and possible approaches to reducing its identified significant impacts, the CEQA Guidelines require an EIR to also "...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Pursuant to these CEQA sections, Chapter 7 identifies and evaluates the following five alternatives to the Project:

2.4.1 Alternative 1: No Project

CEQA Guidelines section 15126.6(e)(1) requires the specific alternative of No Project to "be evaluated along with its impact...to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." Alternative 1 would maintain the existing conditions as described in the "Environmental Setting" sections of each environmental topic chapter in this EIR.

2.4.2 Alternative 2: Lower Height

Alternative 2, Lower Height, would involve installing three billboard structures along the east side of I-880 south of Dixon Landing Road, similar to the Project. However, Alternative 2 would reduce the height of the billboards to 50 feet, down from 70 feet with the Project. All other location, design and operational characteristics of Alternative 2 would be similar to the Project.

2.4.3 Alternative 3: Fewer Billboards

Under Alternative 3, Fewer Billboards, two billboard structures rather than three would be installed along the east side of I-880 south of Dixon Landing Road. The proposed east side billboard at Site Option 4 would be eliminated in order to reduce the potential for traffic safety hazards associated with driver distraction near driver decision and action points and official traffic control signs associated with the northbound off-ramp of the Dixon Landing Road interchange. The two billboards would be spaced at least 1,000 feet apart. All other design and operational characteristics of Alternative 3 would also be similar to the Project.

2.4.4 Alternative 4: All Non-LED Billboards

Under Alternative 4, All Non-LED Billboards, three billboard structures would be installed on three of the same four site options along the east side of I-880 as under the proposed Project, but without "digital" LED displays. Instead, all three would include externally illuminated facings, two per structure. The locations, height and size of the three "non-digital" billboards would be similar to the Project.

2.4.5 Alternative 5: Alternative Location--Two Billboards on East Side and One Billboard on West of Interstate 880

Under Alternative 5, two of the three proposed billboard structures would be located on the east side of I-880 and one on the west side of I-880. The two billboards on the east side would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

2.4.6 Alternative 6: Alternative Location--One Billboard on East Side and Two Billboards on West Side of I-880

Under Alternative 6, one of the three proposed billboard structures would be located on the east side of I-880 at one of the four east side site options, and the other two billboards would be located on the west side of I-880 at two of the three west side site options. The two billboards on the west side would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

2.4.7 Alternative 7: Alternative Location--All Three Billboards on West Side of I-880

Under Alternative 7, All Three Billboards on West Side of Interstate 880, all three billboard structures would be installed along the west side of I-880 rather than along the east side of the freeway. The three billboard structures would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

2.4.8 Environmentally Superior Alternative

Other than the No Project alternative, Alternative 4, All Non-LED Billboards, would result in the least adverse environmental impacts, and would therefore be the "environmentally superior alternative." Alternative 4 would reduce Project impacts on adjacent residential area visual character (Impact 4-2) and Project spill light and sky glow effects (Impact 4-3); however, Alternative 4 would be far less effective in attaining the project objectives identified in section 2.1.3 herein.

3. PROJECT DESCRIPTION

This chapter describes the proposed action or "Project" addressed by this EIR. The description is based on information provided to the City by the project applicant, SignCo East, LLC. In accordance with Section 15124 (Project Description) of the CEQA Guidelines, this chapter describes (a) the location and characteristics of the Project sites, (b) the Project background and history, (c) the basic objectives of the Project, (d) the proposed actions that constitute the Project and (f) required Project approvals.

3.1 PROJECT AREA LOCATION AND CHARACTERISTICS

3.1.1 Regional Setting

As illustrated on Figure 3.1, the Project sites are located adjacent to Interstate 880 (I-880), south of the Dixon Landing Road interchange, in the northwestern corner of the City of Milpitas. Milpitas is located in northern Santa Clara County, approximately seven miles north of central San Jose and 35 miles south of Oakland. Central Milpitas is to the east of the Project sites, Alameda County and the City of Fremont are to the north, and San Jose is to the west and south. San Francisco Bay lies to the northwest.

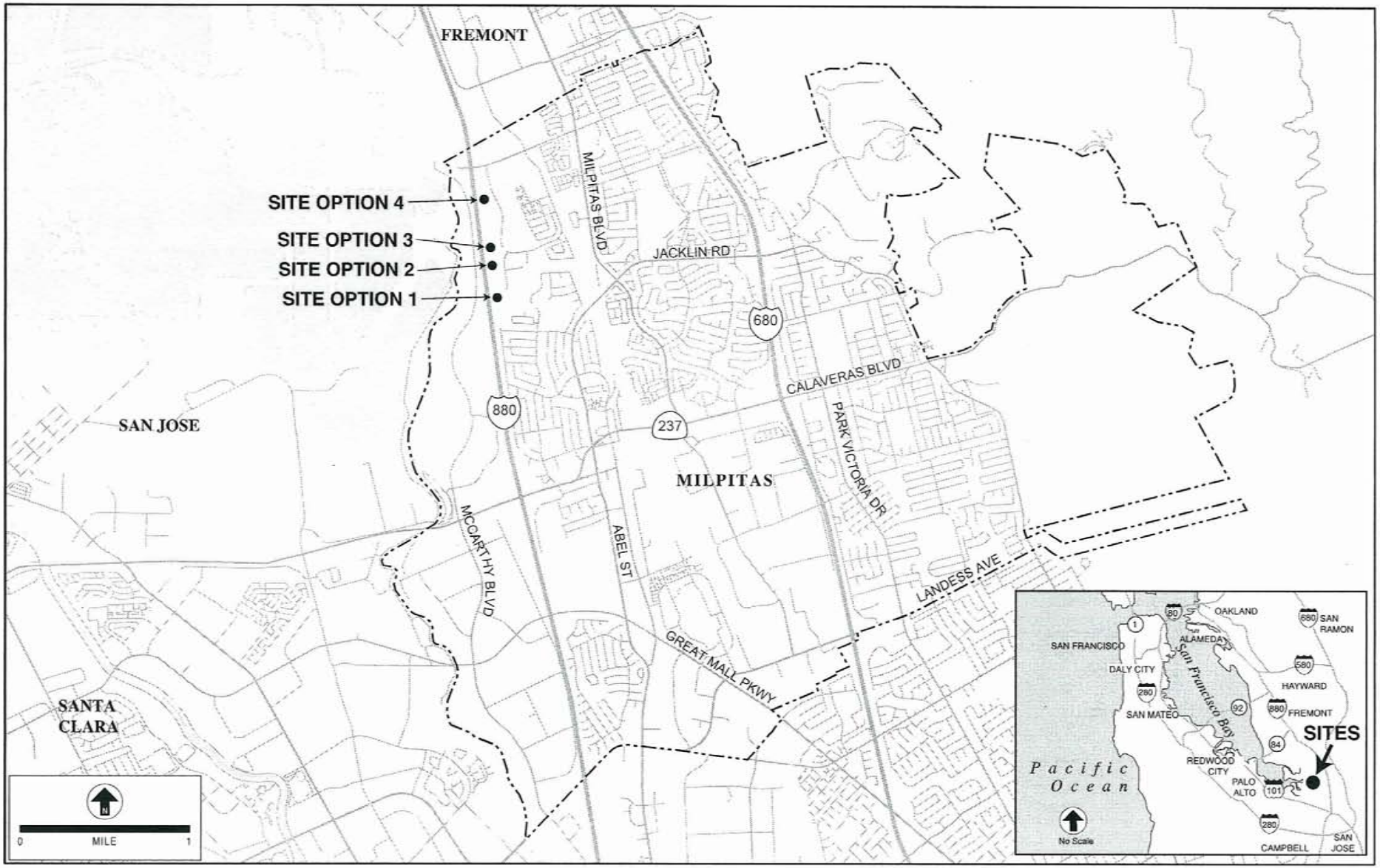
Regional access to the Project vicinity is provided by I-880 and State Route 237 (SR 237). I-880 provides access to Oakland to the north and San Jose to the south. SR 237 provides access to the east as Calaveras Boulevard through central Milpitas to Interstate 680 (I-680), and to the west as the South Bay Freeway through San Jose to Mountain View (Figure 3.1).

3.1.2 Local Setting

The proposed three billboard structures would be located adjacent to the east side of I-880 along an approximately two-mile segment of the freeway immediately south of the Dixon Landing Road interchange (see Figures 3.1 and 3.2). Lands in the vicinity on the east side of I-880 are developed with suburban, low- to medium-density industrial, commercial and residential uses; lands in the vicinity on the west side of I-880 are undeveloped agricultural lands and baylands designated in the City's General Plan for industrial park and general commercial use. The three billboard structures would be located within a developed industrial park area bounded by I-880 to the west, the Penitencia Creek channel to the north and east, and Redwood Avenue to the south. Surrounding land uses are described below:

(a) North. The Dixon Landing Road interchange is located north of the Project sites. The area immediately north of Dixon Landing Road is undeveloped and designated in the City's General Plan for manufacturing and warehousing uses.

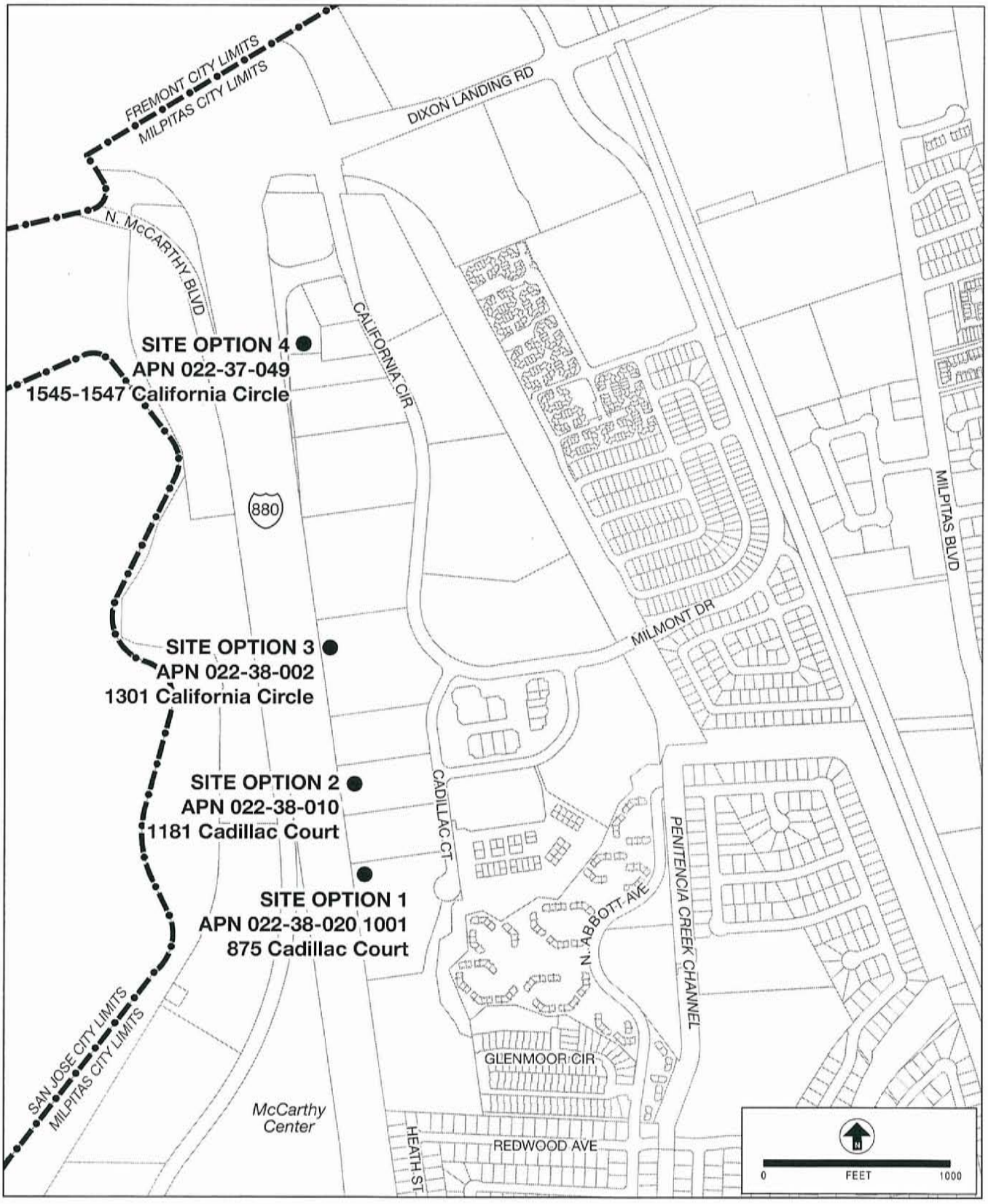
(b) East. Land uses to the east of the Project sites include industrial park and general commercial uses and two places of worship on California Drive and Cadillac Court; two-story



SOURCE: Wagstaff and Associates

Figure 3.1

PROJECT LOCATION



SOURCE: Google; McCarthy Ranch

Figure 3.2
LOCAL PROJECT MAP:
SITE OPTIONS 1, 2, 3 AND 4

SOURCE: Google; McCarthy Ranch

Figure 3.3
LOCAL PROJECT AERIAL:
SITE OPTIONS 1, 2, 3 AND 4

single family homes on Glenmoor Circle; a multiple family residential complex containing approximately 30 two-story buildings located off of N. Abbott Avenue; and two-story single family homes and three-story townhomes and apartments further to the east, off of Milmont Drive, east of the Penitencia Creek channel.

(c) South. Single-story single family homes are located on Heath Street and Redwood Avenue south of the Project sites. The SR 237 interchange is located approximately one mile south of the Project sites.

(d) West. I-880 is located adjacent to the Project sites on the west. North McCarthy Boulevard, a four-lane, roadway, is located on the opposite (west) side of I-880. The undeveloped lands on the west side of North McCarthy Boulevard are within the 203-acre McCarthy Ranch Master Plan area, and were approved in 2009 for an office park, industrial park, and general commercial uses (the Campus at McCarthy Ranch Project and the McCarthy Ranch Mixed Use Project). The 68-acre McCarthy Center complex, which contains approximately one million square feet of office and research and development uses spread among 19 two-story buildings in a campus setting, is located further south along North McCarthy Boulevard.

3.1.2 Project Site Characteristics

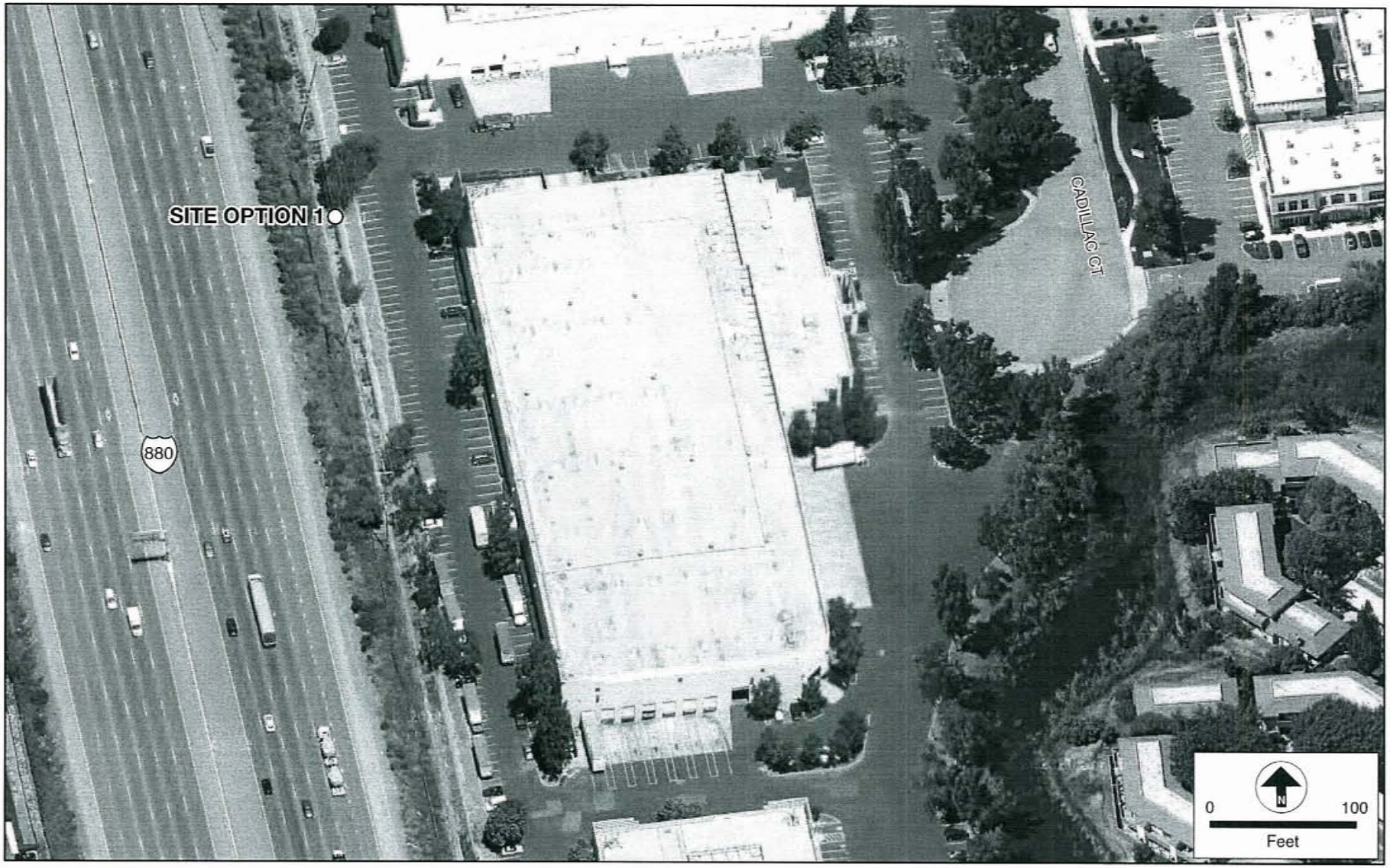
The three billboard structures would be located on three of four possible sites currently under consideration. All four possible sites are located on already developed properties containing industrial park and general commercial uses, located east of I-880 and south of Dixon Landing Road, on California Circle and Cadillac Court. The four Project site options are referred to in this EIR, from south to north, as Site Option 1, Site Option 2, Site Option 3 and Site Option 4. The four Project site options are shown in Figures 3.2 and 3.3. Each of the four site options is shown in greater detail in Figures 3.4 through 3.7, and is further described below:

(a) Site Option 1. Site Option 1 is located adjacent to the I-880 freeway right-of-way at 1001 Cadillac Court on assessor's parcel number (APN) 022-38-020. As shown on Figure 3.4, Site Option 1 is developed with one freestanding, approximately 30-foot high, flex industrial building surrounded by parking and loading areas. An electrical transmission line on wooden poles and a drainage channel are located along the western edge of Site Option 1, and on the western edges of Site Options 2 and 3. Multiple family residential uses are located approximately 500 feet to the southeast of Site Option 1.

(b) Site Option 2. Site Option 2 is located adjacent to the I-880 freeway right-of-way at 1181 Cadillac Court on APN 022-38-010. As shown on Figure 3.5, Site Option 2 is developed with one freestanding, approximately 30-foot high flex industrial building surrounded by parking and loading areas.

(c) Site Option 3. Site Option 3 is located adjacent to the I-880 freeway right-of-way at 1301 California Circle on APN 022-38-002. As shown on Figure 3.6, Site Option 3 is developed with one freestanding, approximately 30-foot high flex industrial building surrounded by parking and loading areas.

(d) Site Option 4. Site Option 4 is located adjacent to the I-880 freeway right-of-way at 1545-1547 California Circle on APN 022-37-049, adjacent to the I-880 northbound off-ramp to Dixon Landing Road. As shown on Figure 3.7, Site Option 3 contains a one-story Starbucks coffee



SOURCE: Google; McCarthy Ranch

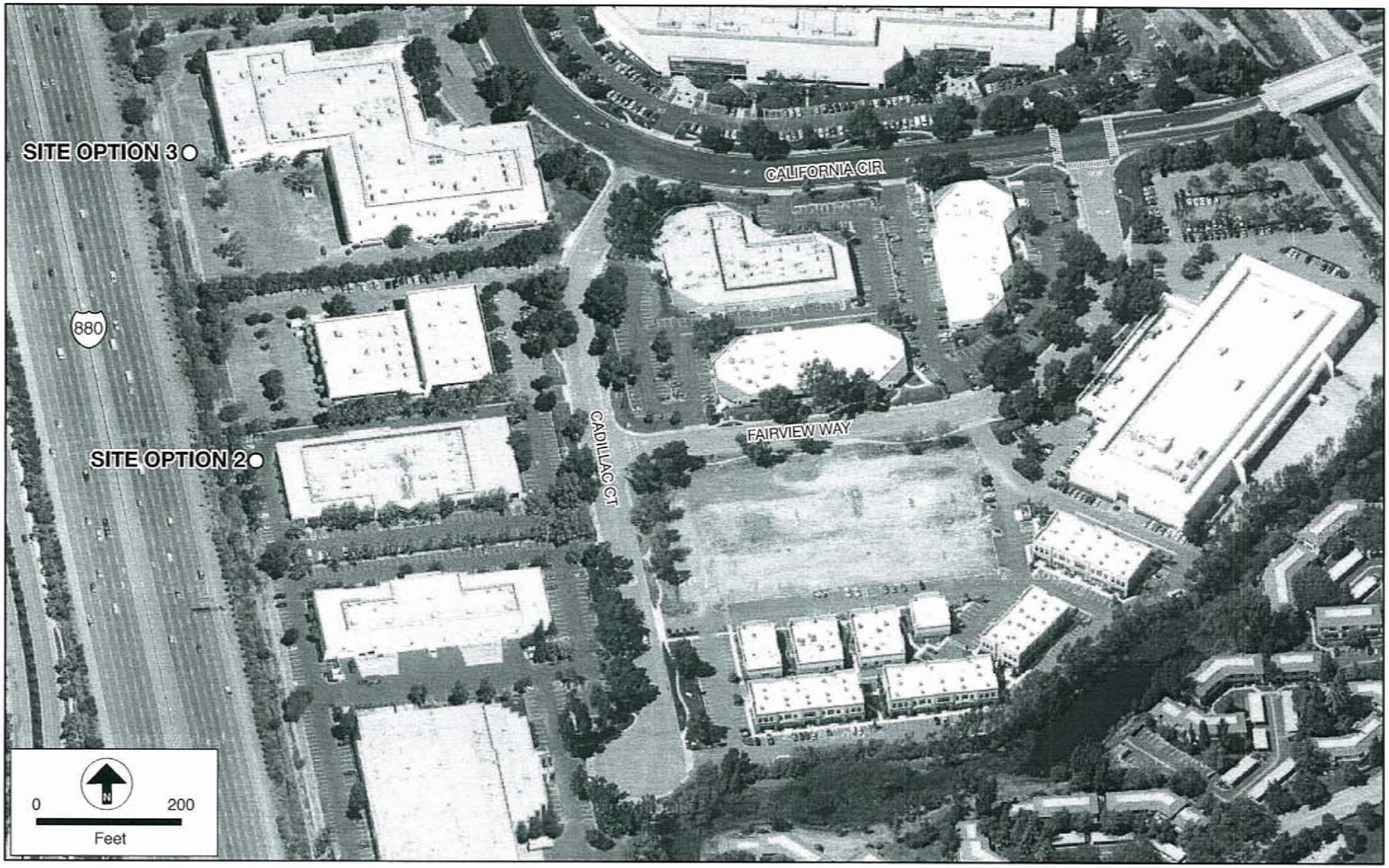
Figure 3.4

PROJECT SITE OPTION 1

SOURCE: Google; McCarthy Ranch

Figure 3.5

PROJECT SITE OPTIONS 1 AND 2



SOURCE: Google; McCarthy Ranch

Figure 3.6

PROJECT SITE OPTIONS 2 AND 3

SOURCE: Google; McCarthy Ranch

Figure 3.7

PROJECT SITE OPTION 4

commercial "pad" with drive-thru and associated parking lot, as well as an approximately 45-foot high freeway-oriented on-premise advertising sign located within the parking area at the southwestern corner of the lot. Adjacent commercial parcels contain a Chevron gas station and car wash, two two-story office buildings, and a three-story Residence Inn.

3.2 PROJECT BACKGROUND

3.2.1 Digital Billboards

A billboard is typically defined as a large off-site advertising sign that advertises or provides public information regarding a business organization, event, product, service or use. Digital billboard facings are an emerging media type. A digital billboard facing contains a light emitting diode (LED) display. The LED display produces static images which are changed remotely via computer. Digital billboard displays typically provide a resolution not less than 200 pixels by 704 pixels, with each pixel composed of three LEDs: one red, one blue and one green in a triangular shape in each cluster. Digital billboards provide a remote, non-manual way to change billboard "copy" and offer greater flexibility of use than conventional billboards. Although the LED display technology allows for scrolling, flashing or motion video, moving images on digital billboards are generally prohibited by current federal, State and local regulations.

LED displays are equipped with sensors that modify the brightness of the sign in response to ambient lighting conditions. During the day, the display is brighter to provide the necessary contrast to allow the image to be visible. At night, the LED display is dimmer to reduce glare.

Typically, advertising messages from up to eight advertisers rotate continuously, with each static image on display for about four to eight seconds, enabling billboard owners to sell the same advertising space multiple times. Digital billboards allow advertisers to change messages throughout the course of a day. Images can be scheduled to run at certain times of the day, on particular days of the week or even on specific billboards within a network. Digital billboards are typically used in busy traffic areas, where advertisers are willing to pay more for the use of the billboard, generating substantially more revenue than a comparable traditional billboard.

Currently, it is estimated that about 200 of the more than 10,000 freeway billboards in California are digital billboards, but the outdoor advertising industry anticipates that digital billboards will soon represent about 15 percent of the total number of billboards nationwide.[1]

Table 3.1 shows current data on existing freeway billboards of all types authorized by the California Department of Transportation (Caltrans) in California, the San Francisco Bay Area, and Santa Clara County. As shown, as of January 1, 2010, there were 35 digital billboards in the Bay Area, including five on I-880 in Alameda County and one on U.S. Highway 101 in Santa Clara County.

3.2.2 Digital Billboards in Milpitas

Following national and regional trends, there has been an emerging interest by the City and private commercial entities in installing digital billboards along Milpitas segments of I-880, I-680, and SR 237. Digital billboards would provide an additional source of revenue for the City. A

[1]Larry Copeland, More Cities Ban Digital Billboards, USA Today, March 24, 2010.

Table 3.1
DIGITAL BILLBOARDS ALONG CALTRANS HIGHWAYS[1]

	Digital Billboards	All Billboards
Santa Clara County Routes	1	138
San Francisco Bay Area Routes[2]	35	1023
Interstate 880	5	61
Interstate 80	16	135
Interstate 101	12	274
State Route 92	1	5
State Route 12	1	20
California Routes	201	10,175

SOURCE: Caltrans Outdoor Advertising Branch, Outdoor Advertising Inventory as of January 1, 2010.

[1]Table includes Caltrans-authorized "message centers" and billboards of all types along interstate highways and state routes.

[2]Beyond the five routes listed here, there are no digital billboards on other interstate highways and state routes in the Bay Area.

portion of the advertising in rotation on the signs could also by agreement promote local businesses and economic development, and communicate local community events and services.

In November 2006, the City certified an EIR which identified the impacts of a Milpitas Redevelopment Agency proposal to locate three new freeway billboard structures and replace two existing freeway billboard structures along I-880 and I-680. Two of the freeway billboard structures considered in the 2006 proposal were to be digital billboards. At the time, the City's Sign Ordinance prohibited off-premise advertising signs along City freeway segments. In August 2010, the City adopted a new Sign Ordinance, which now permits and regulates off-premise advertising signs along I-880, I-680, and SR 237 in Milpitas. The new Sign Ordinance provisions are described in section 3.2.3(e) below. A Development Agreement and Site Permit. Development Agreement and Site Permit Approval for one of the five billboards, the "Toyota sign," located at 950 Thompson Street (APN 086-05-026) in the northeast quadrant of the I-880/Great Mall Parkway interchange, were approved in June 2010.

3.2.3 Billboard Regulation

Billboards, including digital billboards, are regulated at the federal, State and local levels. The primary federal and State laws that pertain to billboards along highways are the federal Highway Beautification Act of 1965 and the State's Outdoor Advertising Act. Pertinent provisions from these federal and State laws, as well as the City of Milpitas Sign Ordinance, are briefly described below. Provisions relevant to aesthetics and traffic safety are discussed in more detail in Chapter 4, Aesthetics, and Chapter 5, Transportation, respectively, of this Draft EIR.

(a) Federal Highway Beautification Act. The federal Highway Beautification Act of 1965 (23 U.S.C. 131) encourages scenic enhancement and provides for control of outdoor advertising along the interstate highway system. The Highway Beautification Act is enforced by the Federal Highway Administration (FHWA) through agreements with state departments of transportation.

The FHWA entered into Highway Beautification Act implementation agreements with California in 1965 and 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs within 660 feet of an interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones, and shall be subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs [sign surfaces] shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim and supports;
- Signs on the same side of the freeway must be separated by at least 500 feet; and
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that could obstruct or impair the vision of any driver.

(b) Outdoor Advertising Act. California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.). Caltrans enforces the law and regulations. A digital billboard is identified as a "message center" in the statute, which is an advertising display where the message is changed more than once every two minutes, but not more than once every four seconds (Business and Professions Code, Section 5216.4).

The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (Section 5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (Section 5402);
- No sign shall display flashing, intermittent or moving light or lights (Section 5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (Section 5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds.

No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (Section 5405).

(c) Landscaped Freeways. A "landscaped freeway" is defined under the State Outdoor Advertising Act described above as a Caltrans-designated freeway segment that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (Government Code Section 5216). Within Milpitas, I-880 is designated a "landscaped freeway" from Montague Expressway to Great Mall Parkway (postmile (PM) 5.97 to PM 7.48) and from SR 237 to the southern boundary of Site Option 1 (PM 8.01 to PM 9.45). Remaining segments of I-880 within Milpitas, including the portion containing the Project sites, are non-landscaped freeways.

Under the Outdoor Advertising Act, off-premise signs are not allowed along Caltrans-designated "landscaped freeways," except when approved as part of relocation agreements involving the removal of an existing billboard elsewhere along the "landscaped freeway."

(d) California Vehicle Code. The California Vehicle Code regulates the brightness of billboard lighting. Vehicle Code Section 21466.5, which identifies the applicable standard, prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway." The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities. Vehicle Code Section 21467 provides that each sign, signal, device or light that is in violation of these listing provisions is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol or local authorities.

(e) Milpitas Sign Ordinance. The City's Sign Ordinance (Title XI, Chapter 10, Section 24.05(G) of the Milpitas Municipal Code), sets forth provisions and standards for off-site advertising displays, or billboards, adjacent to Milpitas segments of interstate highways and state routes. The Sign Ordinance establishes minimum standards for billboards, including height; spacing distance between signs; maximum sign area; angle to the freeway; illumination; landscaped planters; noise reduction; identification of the City of Milpitas on the sign; and the movement, display time and brightness of LED displays.

The Sign Ordinance also specifies required findings for City approval of a proposed digital billboard, including a finding that that adequate measures have been taken to reduce potential impacts upon visual character and to ensure that the billboard will not create a hazard to vehicular or pedestrian traffic; will conform to State and federal laws and regulations; will result in a public benefit to the City outweighing any adverse impacts; will conform to the Sign Ordinance with respect to lighting, scale, size and materials; and will be consistent with the Milpitas General Plan.

The Sign Ordinance specifies the following minimum standards and required findings:

5. *Minimum Standards. All off-site advertising displays permitted under this provision shall be subject to the following minimum standards and regulations:*

    a. *Consistency with State and Federal Law. In addition to the other requirements set forth herein, the off-site advertising display shall comply with the requirements of the Outdoor Advertising Act and Regulations, California Business and Professions Code Secs. 5200 et seq., and other state and federal statutes. To the extent of any conflict between the provisions of this Section and state and federal law, state and federal law shall prevail.*

b. Maximum height. The overall height of the sign shall not exceed seventy (70) feet.

c. Reserved.

d. Distance between other off-site advertising displays. No off-site advertising display shall be placed within one-thousand (1,000) feet from another advertising display on the same side of any portion of the interstate.

e. Maximum sign area. The maximum sign area shall not exceed one-thousand, two-hundred (1,200) square feet on each side. Ancillary fixed signs or logos may be permitted on the sign's supporting structure, which will not count towards the maximum sign area.

f. Angle to freeway. To the extent possible, the off-site advertising display shall be located and oriented in a manner that avoids or minimizes the direct exposure of the display to view from adjacent or nearby residential or hotel uses.

g. Illumination standards.

i. Light intensity. The intensity of each lighting element or lamp in the message center portion of the off-site advertising structure shall not impair the vision of travelers on any adjacent freeway. Illumination shall be considered vision impairing when its brilliance exceeds the values set forth in section 21466 of the California Vehicle Code, or any successor statue or California Department of Transportation regulations.

ii. Recessed illumination. With respect to a static display, the actual lamps/light sources shall be recessed back into the cabinet or enclosure so that no part of the lamp/light source protrudes out past the face of the display so that the angle of the light towards the freeway might be altered. Signs may be internally or externally illuminated.

iii. Automatic dimming device. Dimming circuitry shall be incorporated in the electronic portion of the off-site advertising display automatically dimming the off-site advertising display to reduce halo effects and glare as ambient light conditions change.

iv. Illumination orientation. The off-site advertising display shall aim, focus and shield any illumination sufficiently to prevent glare or overcast of illumination into adjacent residential or hotel vantage points.

h. Landscaped Planters. The off-site advertising display shall be located within a landscaped planter to be maintained by the operator of the off-site advertising display.

i. Noise reduction. The off-site advertising display shall incorporate noise reduction and attenuation remedies sufficient to limit any exterior intermittent noise level effects at the nearest residential and hotel uses (intensity and frequency) in accordance with the standards of the City's General Plan.

j. Any off-site advertising display shall include the words "City of Milpitas" and/or the City insignia somewhere on the structure.

k. Digital Billboard (changeable copy signs) Limitations.

i. Digital billboards shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or flashing or scintillating light.

ii. Minimum display time. In compliance with State standards, each message on the sign must be displayed for a minimum of four (4) seconds.

iii. Notwithstanding anything to the contrary in the Code, digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance consistent with acceptable practices.

6. Required Findings. In order to grant a Site Development Permit for the proposed off-site advertising display, the Planning Commission and the City Council must determine that the following objective requirements have been met:

a. The proposed off-site advertising display will not create a hazard to vehicular or pedestrian traffic, and measures have been taken to reduce potential impacts upon the existing visual character of the site and its surroundings.

b. All advertising on the off-site advertising display will conform with the Outdoor Advertising Act in the California Business and Professions Code and other applicable state and federal rules and regulations.

c. The development of the off-site advertising display will result in a public benefit to the City outweighing any adverse impacts that might be caused by the advertising display.

d. The development of the off-site advertising display will promote economic development within the City.

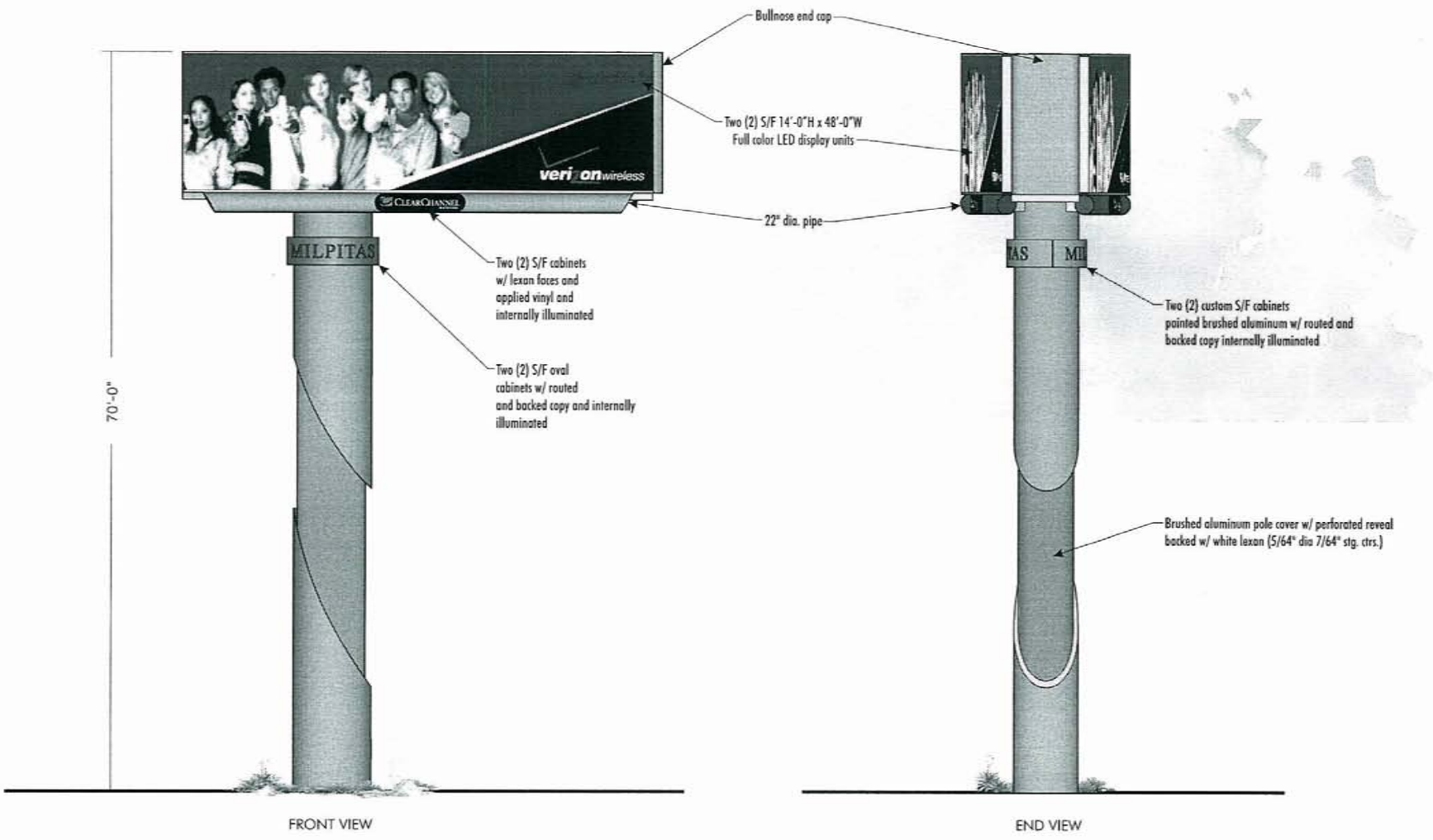
e. The design, including lighting, scale, size and materials, of the off-site advertising display is consistent with the intent of the design criteria of the off-site advertising display provisions.

f. The development and location of the proposed off-site advertising display is consistent with the goals of the Milpitas General Plan.

3.3 PROJECT OBJECTIVES

The Project applicant has identified the following basic objectives of the Project:

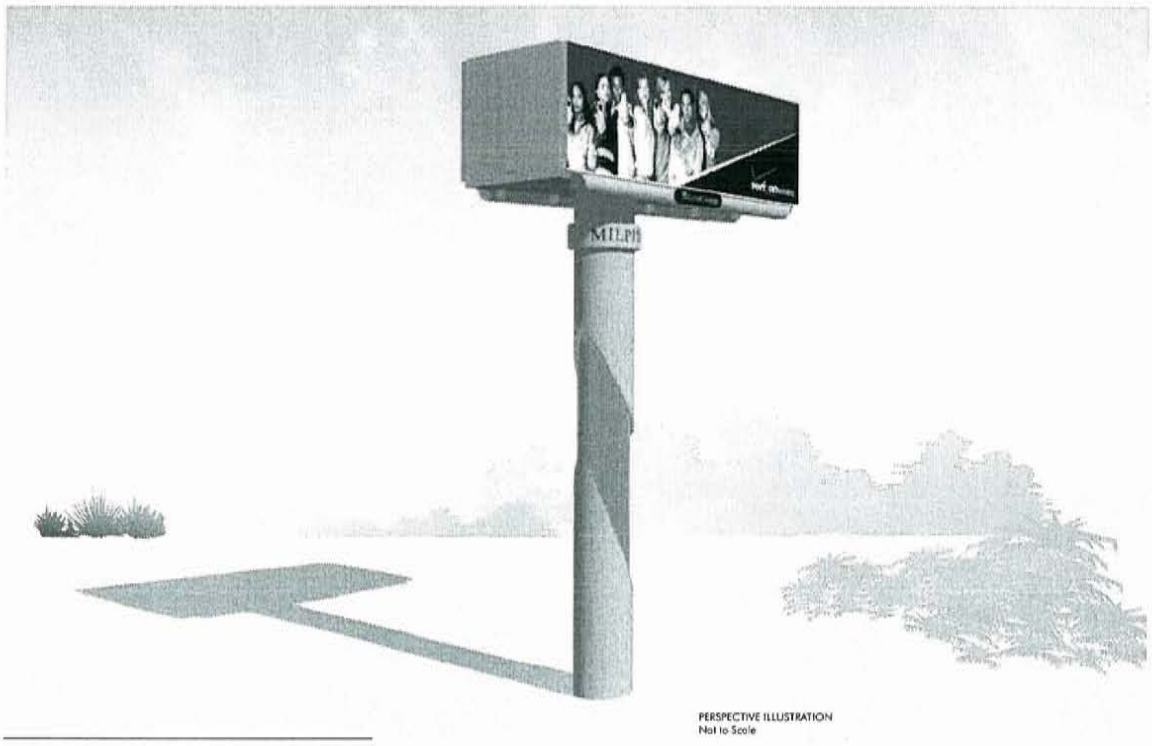
- Install up to three new billboard structures with a combination of static and electronic "digital" facings at a Milpitas freeway location with high traffic volumes and visibility;



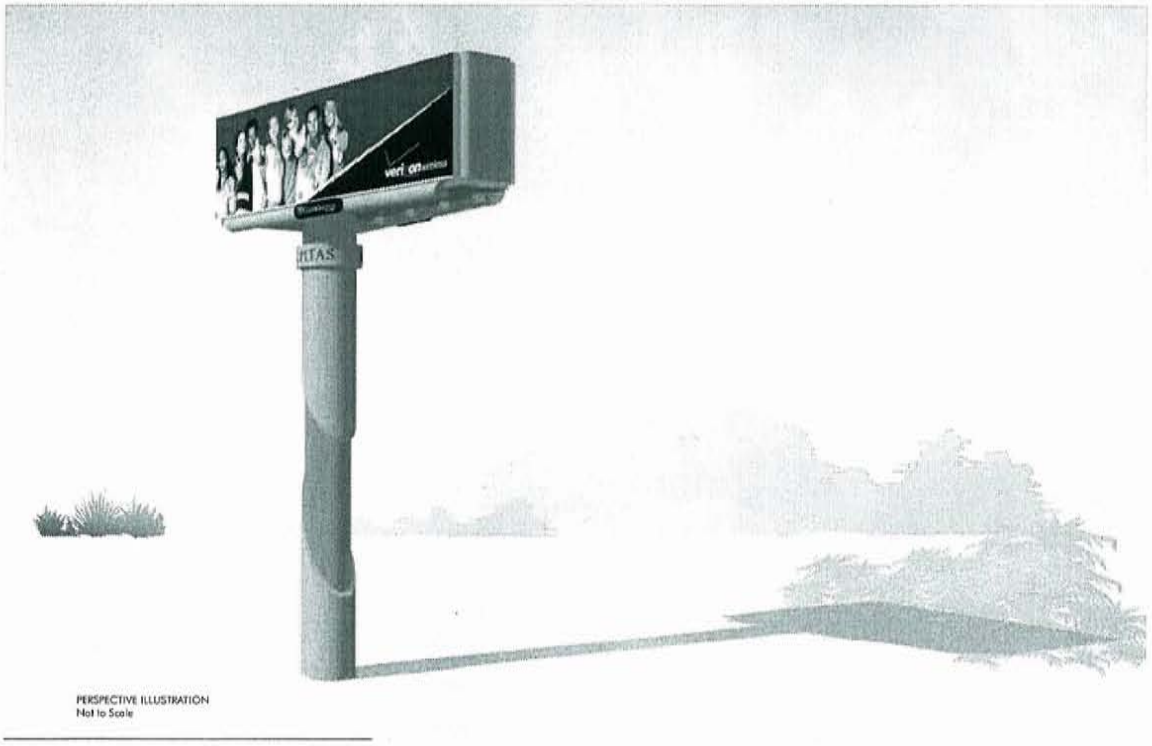
SOURCE: McCarthy Ranch; Flouresco Lighting & Signs

Figure 3.8

PROPOSED BILLBOARDS ELEVATIONS



PERSPECTIVE ILLUSTRATION
Not to Scale



PERSPECTIVE ILLUSTRATION
Not to Scale

SOURCE: McCarthy Ranch; Flouresco Lighting & Signs

Figure 3.9

PROPOSED BILLBOARDS PERSPECTIVE

- Provide billboard-generated economic benefits to the applicant and City, including advertising revenue and promotion of local business;
- Minimize associated visual and noise impacts on vicinity residential and hotel uses; and
- Comply with all federal, State, City and outdoor advertising industry laws, regulations and standards in order to adequately address potential billboard-related light, glare and traffic safety impacts.

3.4 PROJECT CHARACTERISTICS

The Project consists of the installation of three new billboard structures at three separate locations along the east side of the I-880 freeway south of Dixon Landing Road in Milpitas.

3.4.1 Possible Billboard Locations

The proposed three new billboard structures would be spaced approximately 1,000 feet apart. The structures would be located on three of four possible sites currently under consideration. The four Project site options are shown in Figures 3.4 through 3.7 and are described below:

- *Site Option 1.* The southernmost site option under consideration is along the western boundary of parcel 002-038-020 at 1001 Cadillac Court, within an existing landscaped planting strip adjacent to a parking lot, approximately 16 feet south of the northern parcel boundary (Figure 3.4).
- *Site Option 2.* The second site option under consideration is along the western boundary of parcel 002-038-010 at 1181 Cadillac Court, within an existing landscaped planting strip adjacent to a parking lot, approximately 16 feet south of the northern parcel boundary (Figure 3.5).
- *Site Option 3.* The third site option under consideration is along the western boundary of parcel 002-038-002 at 1301 California Circle, within an existing landscaped planting strip adjacent to a parking lot (Figure 3.6).
- *Site Option 4.* The northernmost billboard would be installed along the western boundary of parcel 002-037-049 at 1545-1547 California Circle, in the southwestern corner of the Starbucks coffee parking lot, at the location of an existing off-premise advertising sign which would be removed, and adjacent to the I-880 northbound off-ramp to Dixon Landing Road (Figure 3.7).

3.4.1 Proposed Digital Billboard Characteristics

All three billboard structures would be basically identical. Initially, four static and two electronic "digital" facings are planned. As market demand increases, the four static facings would be converted to digital facings incrementally over the course of the project. The proposed billboard characteristics are illustrated by Figures 3.8 and 3.9, and are described below:

(a) Billboard Structure. On each of the three proposed billboard structures, the billboard advertising displays, both static and digital, would be mounted on a steel, approximately eight-foot diameter, circular sign column. Each sign column would be placed directly into the ground with no built-up sign base.

The bottom of the displays would be approximately 56 feet above ground level. The top of the displays and the overall height of the billboard structure would be 70 feet above ground level.

(b) Displays. Each billboard would have two 14-foot high by 48-foot wide displays facing in opposite directions and slightly angled toward freeway viewers. The precise angle has not been specified by the Project applicant.

(c) Operational Characteristics. Initially, two of the six advertising facings on the three billboard structures would be digital LED displays. Ultimately, up to all six of the facings would be LED displays. LED display operational characteristics would comply with federal, State, City and outdoor advertising industry laws, regulations and standards. Lighting levels on each LED display would not exceed 0.3 foot candles over ambient levels. Light sensors would be installed with each sign to measure ambient light levels and to adjust light intensity to respond to ambient conditions.

Each LED display would display a number of static images in continuous rotation, with each image displayed for no less than four seconds. Due to their proximity to one another and their placement in succession, the three billboards would have the capability to be used together to describe a single advertisement message over two or three successive billboards.

(d) Design Character. Each of the three billboard structure columns would have a brushed aluminum finish and a six-inch recessed accent. No other sign base structure is proposed. Landscaping would be provided at the base of each sign in accordance with the City's Sign Ordinance. The applicant would conduct a geotechnical study to evaluate soil conditions at each of the Project sites to determine structural design specifications. Unusual soil conditions may affect the final design of the sign structure.

(e) Additional Signs. At this initial implementation phase, it is anticipated that an approximately nine-foot wide by 14-inch high "Clear Channel" identification LED display would be located beneath each of the initial two main LED displays. Additionally, a "Milpitas" identification sign would be located on the sign column beneath each main display. The City's Sign Ordinance allows such additional fixed signs on a billboard's supporting structure, which do not count towards the maximum display area. No additional fixed signs have been specified by the Project applicant.

3.4.2 Project Construction

(a) Construction Equipment and Personnel. One drilling rig, one crane, and one crew (usually four or five persons) would be used for sign installation at all three Project sites. Crews and equipment would move from one site to another as work progresses.

(b) Construction Duration and Sequencing. Construction would typically proceed as follows for each site.

- *Day 1:* On the first day, a crew would arrive with a drilling rig and drill a hole five feet in diameter and 32 feet deep. A trench plate temporarily placed over the hole before the crew leaves the site.

- *Day 2:* The column for the sign would be delivered to the site. The column would be lifted and placed into the foundation hole by a crane, and temporarily held in place by I-beams that would be welded to the column. A 3,000-pound concrete mix (i.e., a concrete mix that would withstand 3,000 pounds of pressure for 28 days without breaking) would be poured into the foundation hole.

- *Day 5:* After the concrete has cured for three days, the crew would return to the site. The I-beam welds would be ground off and the I-beams removed. The upper structure components would be delivered to the site and assembled on the ground by the crew. The crane would return to the site and lift the upper structure into place atop the column.

(c) Electrical Service Construction. Arrangements to extend electrical service to the site would be made in advance of the construction activities. To accommodate underground electrical service, a sleeve would be placed in the concrete foundation. The typical electrical service for digital billboards of the proposed design is 100-amp 3-phase service, which is typically available in close proximity to commercial development.

3.5 REQUIRED PROJECT APPROVALS

The project would require the following City and Caltrans approvals:

3.5.1 City of Milpitas

Under standard City procedures, the Project would require a recommendation by the Planning Commission and approval by the City Council of a Development Agreement, Site Development Permit, and building permit, as described below.

(a) Development Agreement. In accordance with Title XI, Chapter 10, Section 24.05(G)(3)(a) of the Milpitas Municipal Code, the Project applicant would be required to enter into a Development Agreement with the City. The Development Agreement would vest the applicant's right to install the three billboard structures, including up to six electronic LED facings (two per structure), in exchange for certain benefits to the City. Municipal Code Section XI.10.24.05(G)(3)(a) requires a Development Agreement as follows:

> *"The operator of the off-site advertising display adjacent to an interstate highway or state route shall enter into a development agreement, lease agreement, contract, license or other accord ("City Agreement") with the City, whereby the operator provides performance, one-time fee, or ongoing revenue provisions that allow the City to undertake projects, programs, or other activities for the benefit of the City that offset or mitigate the impacts of the proposed advertising displays."*

(b) Site Development Permit. In accordance with Title XI, Chapter 10, Section 24.05(G)(3)(b) of the Milpitas Municipal Code, the Project applicant would also require a Site Development Permit, as follows:

"In addition, the approval of off-site advertising displays adjacent to interstate highways and state routes shall be regulated through a Site Development Permit pursuant to Section XI-10-57.03, Site Development Permits and Minor Site Development Permits, of this Chapter. The Planning Commission shall make recommendations to the City Council, which shall have final Site Development Permit approval authority, based upon the objective criteria set forth herein for off-site advertising displays. Site Development Permit review shall ensure that the erection of off-site advertising displays does not create visual clutter or other operational impacts on surrounding uses, with the intent of promoting the co-existence of off-site advertising displays and coordinating their locations, while regulating the type, location, size, number of such off-site advertising displays in accordance with the criteria set forth in this chapter."

The required findings specified in the Sign Ordinance for City approval of a Site Development Permit for a proposed billboard are described in Section 3.2.3(e) above.

(c) Building Permit. The Project would also require City approval of a building permit for each digital billboard.

3.5.2 Caltrans

The Project would also require a Highway Outdoor Advertising Permit from Caltrans to allow the placement of off-premise advertising displays adjacent to a Caltrans facility.

4. AESTHETICS

This chapter describes the existing visual setting within and around the Project area, pertinent plans and policies, and the potential impacts of the Project related to aesthetics.

4.1 SETTING

4.1.1 Existing Visual Character and Quality

(a) General. Milpitas is a suburban community located at the southern end of San Francisco Bay, between Fremont and San Jose. The city has developed on the flat plain between the Mission Hills to the east and baylands to the west. The Mission Hills and Monument Peak (elevation 2,594 feet) form a distinctive scenic backdrop to the city and are important to community identity and character.

The Project sites are located in the northwestern corner of Milpitas, on the east side of I-880, just south of Dixon Landing Road. Lands east of I-880 are developed with suburban, low- to medium-density industrial, commercial and residential uses; lands west of I-880 are generally in industrial park and general commercial use or undeveloped baylands. The Project sites and surrounding areas are flat.

The Project sites and vicinity are illustrated on Figures 3.2 through 3.7 in Chapter 3, Project Description, of this Draft EIR.

(b) Adjacent Freeway. As shown on Figure 3.3, I-880, adjacent to the Project sites, is a 12-lane freeway with paved shoulders at the freeway edges and in the median. The Dixon Landing Road interchange is a partial cloverleaf interchange. Dixon Landing Road crosses I-880 on an overpass. The SR 237 interchange, located approximately one mile south of the Project sites, includes a West Calaveras Boulevard overpass over I-880 and high flyover ramps from eastbound SR 237 to northbound I-880 and southbound I-880 to westbound SR 237.

The segment of I-880 adjacent to the Project sites, the Dixon Landing Road interchange and the SR 237 interchange have no formal landscaping; vegetation consists of trees, shrubs and weedy grasses at the edges of the freeway and in the spaces formed by the interchanges.

A detention basin occupies the southeast quadrant of the Dixon Landing Road interchange. A six-foot high chain link fence marks the freeway right-of-way. Cobra-style street lights are located around the Dixon Landing Road interchange and along the freeway. There is an approximately eight-foot high painted masonry block sound wall along the edge of northbound I-880 adjacent to single family residential uses located south of the Project sites.

(c) Surrounding Industrial Park Uses. As shown on Figure 3.3 through 3.6, an industrial park , is located along the east side of the subject segment of I-880 south of Dixon Landing Road, surrounding Project Site Options 1, 2 and 3. The industrial park contains a number of

freestanding, approximately 30-foot high, concrete tilt-up flex light industrial buildings of various sizes, fronting on California Circle and Cadillac Court. The buildings are placed at the center of the sites surrounded by surface parking and loading areas, with landscaped planters at the edges and entries of buildings, along the rear and sides of some of the lots, and within landscaped islands within the parking lots. Existing exterior lighting at each of the three sites generally consists of approximately 20- to 30-foot high parking lot lights as well as wall-mounted building lights. Existing signage consists of low monument signs at the entry to each individual building site. An electrical transmission line on wooden poles is located along the western edge of the three properties, adjacent to the freeway right-of-way.

(d) Surrounding Commercial Center Uses. As shown on Figure 3.7, at the north end of the Project area, adjacent to the Dixon Landing Road interchange, there are a Chevron gas station and car wash, a Starbucks coffee commercial "pad" with drive-thru, two two-story office buildings, and a three-story Residence Inn. Existing signage includes an approximately 20-foot high on-premise pole sign for the Residence Inn and an approximately 45-foot high on-premise sign for the commercial center. Both of these signs are oriented toward the freeway.

(e) Adjacent Residential Neighborhoods. As shown on Figures 3.3 and 3.4, residential uses are located to the south and east, as well as east of the Penitencia Creek channel.

- *North Abbott Avenue.* A multiple family residential complex containing approximately 30 two-story buildings is located off of North Abbott Avenue, approximately 500 feet southeast of Site Option 1, across a drainage channel/detention lagoon. There is no property line fence along this portion of Site Option 1. A number of large trees, shrubs and grasses line the drainage channel but are not sufficiently dense to screen views from these homes.

- *East of Penitencia Creek Channel.* Two-story single family homes and three-story townhomes and apartments are located on the east side of the Penitencia Creek channel, off of Milmont Drive, approximately 1,000 to 1,500 feet from the Project sites.

- *Heath Street and Redwood Avenue.* Single-story, single family homes on small lots are located on Heath Street and Redwood Avenue approximately 1,200 feet south of Site Option 1. There is an approximately eight-foot high masonry block wall along the northern boundary of these lots.

- *Glenmoor Circle.* Two-story single family homes are located on Glenmoor Circle approximately 800 feet southeast of Site Option 1.

(e) Areas West of I-880. North McCarthy Boulevard, a four-lane, roadway, is located on the opposite, west side of I-880. The remaining undeveloped land west of North McCarthy Boulevard between SR 237 and Dixon Landing road has been recently approved office park, industrial park and general commercial development (The Campus at McCarthy Ranch and the McCarthy Ranch Mixed Use Project). Coyote Creek is located west of these two projects. The Coyote Creek Trail, a Class I bicycle/pedestrian trail, part of the San Francisco Bay Trail and the Juan Bautista de Anza National Historic Trail, parallels the east side of the creek. The 68-acre McCarthy Center complex, which contains approximately one million square feet of office, research and development and commercial uses spread among 19 two-story buildings in a campus setting, is located to the southwest.

4.1.2 Pertinent Scenic Vistas and Gateways

(a) Pertinent Scenic Vistas. As previously noted, the Mission Hills and Monument Peak form a distinctive scenic backdrop to Milpitas and are recognized as important to community identity and character. The Mission Hills are visible in the background of views to the east from I-880 near the Project sites, and provide an orienting feature that frames views of the surrounding area. Due to the flat terrain, the width of the freeway and the low prevailing heights of surrounding buildings, views of the Mission Hills from the freeway near the Project sites are largely unobstructed. Coyote Creek and the baylands to the west of the Project sites are generally obstructed by creekside vegetation. San Francisco Bay is not visible from anywhere in the vicinity of the Project.

(b) Pertinent Gateways. Southbound I-880 at the Dixon Landing Road interchange is a major gateway to Milpitas from the north. This gateway area, including the Project sites, is currently visually indistinguishable from Fremont to the north or from other communities along I-880. Approaching Milpitas on I-880 from the north, drivers pass under Dixon Landing Road at the interchange then quickly over the Penitencia Creek channel into Milpitas. The freeway continues in a straight alignment past the Project sites. The Starbucks Coffee commercial "pad" and its existing on-premise freeway sign are briefly visible here, followed by the Residence Inn and its pole sign, and the succession of light industrial buildings, with two-story heights and uniform setbacks. These freeway-facing buildings are partially screened from the freeway view by trees and shrubs on-site and within the freeway right-of-way. Overhead transmission lines on wooden poles are also noticeable at the freeway edge.

The Mission Hill backdrop is clearly visible beyond the low-rise development in the foreground. The slopes of the Coast Range mountains southwest of San Jose are also visible straight ahead in the freeway view. Landscaped North McCarthy Boulevard and large metal overhead transmission lines dominate views of the flat, as yet undeveloped land to the west.

South of the Project sites to the flyover ramps of the SR 237 interchange, the roofs of single family homes are visible above the plain sound wall that lines the freeway to the east, on the edge of the paved shoulder. The west side of this segment of the freeway is lined by the two-story buildings of the McCarthy Center office, industrial and commercial park.

4.1.3 Light, Glare and Sky Glow Conditions

Existing sources of nighttime light within and around the Project site include those common to suburban areas, including freeway lights along I-880 and, in particular, around the Dixon Landing Road interchange, street lights on City streets, parking lot lighting, building lighting, signs, vehicle headlamps and interior lighting visible through windows.

Glare is created by the reflection of sunlight and artificial light off of windows, buildings and other surfaces in the day, and from inadequately shielded and improperly directed light sources at night.

Nighttime light levels in the vicinity of the Project site are typical of medium density suburban areas, although the partially undeveloped lands and baylands west of I-880 in the immediate Project vicinity are generally darker at night than developed areas to the east.

4.2 REGULATORY SETTING

4.2.1 Pertinent Federal Regulations

The federal Highway Beautification Act of 1965 (23 U.S.C. 131) encourages scenic enhancement and provides for control of outdoor advertising along the interstate highway system. The Highway Beautification Act is enforced by the FHWA through agreements with state departments of transportation.

The FHWA entered into Highway Beautification Act implementation agreements with California in 1965 and 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs within 660 feet of an interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones, and subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim and supports;
- Signs on the same side of the freeway must be separated by at least 500 feet; and
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that could obstruct or impair the vision of any driver.

4.2.2 Pertinent State Regulations

(a) State Scenic Highways. The California Scenic Highway Program protects officially designated State scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to highways. A highway may be designated as a State scenic highway by Caltrans depending on how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated or eligible State Scenic Highways within Milpitas or along I-880.

(b) State-Designated "Landscaped Freeways". Off-premise signs are not allowed along Caltrans-designated "landscaped freeways," except when approved as part of relocation agreements involving the removal of an existing billboard elsewhere along the landscaped freeway. A "landscaped freeway" is defined by the State as one that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (Government Code Section 5216). The I-880 segment immediately south of Dixon Landing road and adjacent to the Project sites is not a Caltrans-designated "landscaped freeway." Within Milpitas, I-880 is a designated "landscaped freeway" south of the Project sites from Montague Expressway to Great Mall Parkway (postmile (PM) 5.97 to PM 7.48) and from SR 237 to the southern boundary of Site Option 1 (PM 8.01 to PM 9.45).

(c) State Outdoor Advertising Act. California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.). Caltrans enforces the law and regulations. A digital billboard is identified as a "message center" in the statute, which is an advertising display where the message is changed more than once every two minutes, but not more than once every four seconds (Business and Professions Code, Section 5216.4).

The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (Section 5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (Section 5402);
- No sign shall display flashing, intermittent or moving light or lights (Section 5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (Section 5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (Section 5405).

(d) State Vehicle Code. The California Vehicle Code regulates the brightness of billboard lighting.[1] Vehicle Code Section 21466.5 prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway," and identifies a brightness standard as follows:

> *"The brightness reading of an objectionable light source shall be measured with a 1 1/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source."*

[1]This EIR uses the commonly used term "brightness" in place of the more accurate "luminance." Brightness measures the subjective human perception of the lighting intensity. Illuminance describes the amount of light coming from a light source that lands on a surface. Luminance describes the amount of light leaving a surface in a particular direction, or reflected off that surface, and can be thought of as the measured brightness of a surface as seen by the eye.

The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities. Vehicle Code Section 21467 provides that each prohibited sign, signal, device or light is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol or local authorities.

(e) California Title 24 2008 Sign Lighting Standards. Title 24, Part 6, of the California Code of Regulations, the Energy Efficiency Standards for Residential and Nonresidential Buildings, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The Title 24 standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The Project would be required to comply with the Title 24 2008 Sign Lighting Standards.[1] The 2008 Sign Lighting Standards include an allowed lighting power limit for internally illuminated signs of 12 watts per square foot or, alternatively, a power supply efficiency of at least 80 percent for LED signs. Also, internally illuminated signs are required to be controlled with a dimmer that provides the ability to automatically reduce sign power by a minimum of 65 percent during nighttime hours. Additionally, all electronic message centers (i.e., LED displays) with a new connected lighting greater than 15 kW must have a control capable of reducing the lighting power by at least 30 percent upon receiving a demand response signal sent by the local utility to reduce peak period electricity demand.

4.2.3 Pertinent City of Milpitas Policies and Regulations

(a) Milpitas General Plan. The Open Space & Environmental Conservation Element of the Milpitas General Plan provides policy direction related to scenic resources and routes. The General Plan establishes a network of Scenic Routes, which include City-designated Scenic Corridors and Scenic Connectors. All of the City-designated scenic corridors are located in the hills; there are no City-designated scenic corridors within the flat portions of the community. I-880 is identified by the City as a Scenic Connector on General Plan Figure 4-6, Scenic Resources and Routes.[2] General Plan Figure 4-6, Scenic Resources and Routes, also identifies seven major visual "gateways" into the community, including I-880 at the northern city limits at Dixon Landing Road in the Project vicinity and SR 237 at the western city limits. The General Plan contains the following definition for a Scenic Connector and the following principles and policies related to scenic routes:

> *Scenic Connector. A designated street connecting or providing access to Scenic Corridors or distant views. A Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However, special design treatment — which may include roadside landscaping, undergrounding of utility lines, and street furnishings — will be carried out to provide a visual continuity with the Scenic Corridors.*
>
> *Landscaping and Utilities:*
>
> - *Policy 4.g-I-7 Ensure that all landscaping within and adjoining a Scenic Corridor or Scenic Connector:*

[1]Title 24, Part 6, of the California Code of Regulations, Energy Efficiency Standards for Residential and Nonresidential Buildings.

[2]City of Milpitas, Milpitas General Plan, March 2002, p. 4-25.

- *Enhances the City's scenic resources by utilizing an appropriate scale of planting, framing views where appropriate, and not forming a visual barrier to views;*
- *Relates to the natural environment of the Scenic Route; and*
- *Provides erosion control.*

Coordination with Caltrans will be required for portions of Scenic Connectors which are in Caltrans' right of way.

- *Policy 4.g-I-9 Prepare and implement landscape plans for treatment of major gateways leading into the City. These are identified on Figure 4-6.*

(b) Milpitas Streetscape Master Plan. The City's Streetscape Master Plan includes design guidelines for seven major "gateways" into the city identified in the General Plan, including I-880 at Dixon Landing Road and I-880 at SR 237. The "gateway" recommendations are primarily landscape solutions that also include suggestions for entry signage.[1] The Streetscape Master Plan calls for consistent treatment for all "gateways."

Gateways & Entries

A. Goals and Strategies for Gateways & Entries

Goal 3 Provide guidelines to enhance the citywide gateways and develop a hierarchy of entry features.

Strategy 3.1. Enhance and define the character and form of specific gateways or entry points with distinctive plantings and streetscape amenities.

Strategy 3.2 Encourage appropriate selection of plant materials with seasonal or perennial interest such as flowering, fall color, berries or fruit, unique form or bark.

Strategy 3.3 Adopt a gateway feature to serve as a prototype for future gateways.

B. Freeway and Highway Gateways

Seven gateways can be developed to create a positive image for the City of Milpitas, for adjacent neighbors, the surrounding community and people passing by on the freeway:

- *I-880 and Dixon Landing Road*

- *I-880 and Calaveras Boulevard (237)*

At the interchanges along I-880 and I-680, create an overall treatment for all the gateways that is distinctive to the City of Milpitas, such as shown in the upper plan on Figure 11 at I-680 and East Calaveras.

Allow for signature plantings or features to distinguish each exit area while maintaining a uniformly high standard of landscape treatment. Incorporate architectural elements and

[1]City of Milpitas, Streetscape Master Plan, September 2000.

signage appropriate for each location to welcome visitors into the city such as shown in Figure 12.

(c) Milpitas Municipal Code. Title XI, Chapter 10, Section 24.05(G) of the Milpitas Municipal Code sets forth provisions and standards for off-site advertising displays, or billboards, adjacent to interstate highways and state routes. The Sign Ordinance establishes minimum standards for billboards, including height, spacing distance between signs, maximum sign area, angle to the freeway, illumination, landscaped planters and the movement, display time and brightness of LED displays. The Sign Ordinance also specifies required findings for City approval of a proposed billboard, including that measures have been taken to reduce potential impacts upon the existing visual character of the site and its surroundings; that the billboard will result in a public benefit to the City outweighing any adverse impacts; that the design, including lighting, scale, size and materials, conforms to the Sign Ordinance; and that the billboard is consistent with the Milpitas General Plan.

4.3 IMPACTS AND MITIGATION MEASURES

4.3.1 Significance Criteria

Based on the CEQA Guidelines[1], the Project would be considered to have a significant impact related to aesthetics if it would:

(a) Substantially degrade the existing visual character or quality of the site and its surroundings;

(b) Have a substantial, adverse effect on a scenic vista;

(c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or

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

4.3.2 Impacts and Mitigations

Figures 4.2 through 4.7 present simulated daytime views of the proposed billboards from northbound and southbound I-880, California Circle and the local residential area east of the Penitencia Creek Channel. The visual simulation viewpoints are presented in Figure 4.1. The following six viewpoints considered most representative of Project aesthetic effects have been selected for simulation:

- Site Options 1 and 3 from Northbound I-880,
- Site Options 3 and 4 from Northbound I-880,
- Site Option 4 from California Circle,
- Site Option 4 from East Side of Penitencia Creek Channel,
- Site Option 3 from Southbound I-880, and
- Site Option 1 from Southbound I-880.

[1]CEQA Guidelines, Appendix G, "Issues" I(a) through I(d).

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.1

VISUAL SIMULATION VIEWPOINTS

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.2
VISUAL SIMULATION:
SITE OPTIONS 1 AND 3 FROM NORTHBOUND I-880

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.3
VISUAL SIMULATION:
SITE OPTIONS 3 AND 4 FROM NORTHBOUND I-880

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.4
VISUAL SIMULATION:
SITE OPTION 4 FROM CALIFORNIA CIRCLE

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.5

VISUAL SIMULATION: SITE OPTION 4 FROM RESIDENTIAL AREA ON EAST SIDE OF PENITENCIA CREEK CHANNEL

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.6
VISUAL SIMULATION:
SITE OPTION 3 FROM SOUTHBOUND I-880

Before

After

Note: See Figure 4.1 for viewpoint locations.

SOURCE: McCarthy Ranch; Clear Channel Communications, Inc.

Figure 4.7
VISUAL SIMULATION:
SITE OPTION 1 FROM SOUTHBOUND I-880

The photosimulations show the size, shape, height, placement, design character and daytime visibility of the proposed billboards. Figure 4.5 provides an approximate (representative) indication of the visibility of a billboard at Site Option 4 from two- and three-story residential buildings located east of the Penitencia Creek Channel. Figures 4.6 and 4.7 provide an indication of the potential impact of the billboard Site Options 3 and 1, respectively, on the "gateway" experience when entering Milpitas on southbound I-880.

As shown in Figures 4.2 through 4.7, the proposed billboards would be visible above existing trees and shrubs at the edge of the freeway right-of-way from both northbound and southbound I-880. Although the three proposed billboard structures would be spaced at least 1,000 feet apart, they would be perceived as a group from the freeway view due to their proximity and the flat terrain.

In addition, the proposed billboard displays would be more conspicuous at night. The human eye is drawn to the brightest objects in the field of view. Attention is also drawn to a visual stimulus that exhibits movement. The proposed externally illuminated and internally illuminated (digital) billboards would be some of the brightest objects in the local nighttime landscape. The digital displays would change messages up to every four seconds.

Impact 4-1: Project Impacts on I-880 Gateway Visual Character. General Plan Open Space & Environmental Conservation Element Figure 4-6, Scenic Resources and Routes, identifies the southbound I-880 freeway segment at the northern city limits at Dixon Landing Road and the eastbound SR 237 highway segment at the western city limits as major visual "gateways" into the city. The City's Streetscape Master Plan includes landscaping and signage recommendations for the seven General Plan-identified major "gateways," including the I-880 and SR 237 "gateway" segments. The three Project billboard structures may be perceived by many as substantially degrading the visual character and quality of the General Plan-identified southbound I-880 "gateway" to Milpitas, which would represent a ***potentially significant impact*** (see criterion (a) under subsection 4.3.1, "Significance Criteria," above).

Mitigation 4-1. As a condition of approval, require the Project Development Agreement to include a process for modifying display and lighting specifications, if deemed necessary over time by the City. Modifications could include adjustments to digital display brilliance, content, motion, recess, aim, focus, shielding, etc.

Implementation of these measures could reduce the potential impact of the billboard structures on I-880 "gateway" visual character. However, it cannot be assured that these measures would reduce the impact to a less-than-significant level; therefore, this impact is deemed to be ***significant and unavoidable*** (i.e., would require City adoption of a Statement of Overriding Considerations).

Also, the applicant and City have not determined whether the secondary "City of Milpitas" sign will be located below or at the top of the primary billboard display. Either option could be implemented within the maximum permitted billboard structure height limit of 70 feet. Such

project refinements would not change the basic visual impact and mitigation conclusions in this EIR.

Impacts on Adjacent Residential Area Visual Character. A billboard display at Site Option 1 would be visible from multiple family residential buildings on N. Abbott Avenue (approximately 500 feet away) and single family homes on Glenmoor Circle (approximately 800 feet away). Site Option 1 would likely not be visible to homes on Heath Street or Redwood Avenue, which are approximately 1,200 feet away and whose views towards the freeway are blocked by an approximately eight-foot-high masonry block wall located along the northern boundary of these lots, an approximately 30-foot high building at 875 Cadillac Court, and adjacent homes.

A billboard display at Site Option 2 may be visible from multiple family residential buildings on N. Abbott Avenue and homes on Glenmoor Circle.

A billboard at Site Option 3 would likely not be highly visible from any residential uses.

A billboard at Site Option 4 would be visible from three-story residential buildings located east of the Penitencia Creek channel (approximately 1,000 feet away).

At these distances of 500 feet or more, at relatively the same elevation as the nearest homes, and within the context of the surrounding industrial and commercial development, the billboard displays would not be highly prominent in views from these nearest residential vantage points. The Project would therefore not substantially degrade the existing visual character and quality of views from these residences. Impacts on adjacent residential visual character would therefore be ***less than significant.*** Project spill light and sky glow impacts are discussed in Impact 4-2 below.

Mitigation. No significant impact has been identified; no mitigation is required.

Impacts on Scenic Vistas. There are no scenic vistas officially designated by the City or State along I-880 within Milpitas. However, as described in section 4.1.2 above, the Mission Hills and Monument Peak form a distinctive scenic backdrop to Milpitas and are important to the Milpitas community identity and character. The Mission Hills are visible in the background of views to the east from I-880 in the Project vicinity, and provide an orienting feature that frames views of the surrounding area. Due to the flat terrain, the width of the freeway and the low prevailing heights of surrounding buildings, the proposed billboard structures would not obstruct or substantially degrade views of the Mission Hills from the freeway during the day. The proposed billboard facings would be the brightest and most visually prominent at night, but the Mission Hills are generally not visible at night. Therefore, the Project would not have a substantial adverse effect on scenic vistas; i.e., the Project impact on scenic vistas would be ***less than significant.***

Mitigation. No significant impact has been identified; no mitigation is required.

Impacts on State Scenic Highways. There are no officially designated or eligible State Scenic Highways within Milpitas or along I-880. The Project impact on State Scenic Highways would therefore be ***less than significant.***

Mitigation. No significant impact has been identified; no mitigation is required.

Impact 4-2: Project Spill Light and Sky Glow Impacts. A number of federal, State and City laws and regulations have been adopted to regulate the brilliance of billboard lighting so as to not impair the vision of drivers. Digital billboards are also equipped with sensors that modify the brightness of the LED display in response to ambient lighting conditions, so that the brightness of the display at night does not present a traffic safety hazard. These brightness regulations and controls are not intended, and may not be sufficient, to effectively control the potential for billboard sign spill light and sky glow impacts. Mitigation features to be included in the Project to shield nearby residences from spill light and to limit sky glow have not yet been specified--e.g., display brilliance (light intensity), static display light source shielding, electronic display dimming controls, and other specifications (display orientation, aim, focus and shielding) sufficient to prevent excessive glare or overcast illumination).

Depending upon such specifications, the Project could cause excessive spill light and sky glow (especially during nighttime foggy conditions) that may create a nuisance for adjacent sensitive residential uses on Heath Street, Redwood Avenue, Glenmoor Circle, N. Abbott Avenue, and east of the Penitencia Creek channel. As a result, sky glow caused by the Project could substantially degrade the quality of nighttime views and night sky access from these nearby vantage points. These possible light, glare and sky glow effects represent a ***potentially significant impact*** (see criterion [d] under subsection 4.3.1, "Significance Criteria," above).

Mitigation 4-2. As a condition of approval, require the final Project design specifications to include a combination of display shielding, display angle, display light source shielding, LED display brightness control; illumination aim, focus and shielding; etc., sufficient to shield nearby residential vantage point direct views of the displays and to prevent excessive glare, and stray (overcast) illumination. In addition, require the Project Development Agreement to include a process for modifying these various display and lighting specifications, if deemed necessary over time by the City, based upon directives received from Caltrans or the California Highway Patrol, complaints received, or the City's own periodic visual inspection and consideration of billboard operational characteristics.

Implementation of these measures to the satisfaction of the City's Planning and Neighborhood Services Director would reduce the potential light, glare and sky glow impacts of the Project to a ***less-than-significant level.***

Impact 4-3: Cumulative Impact on Community Aesthetic Character. An EIR certified by the City in 2006 which evaluated the impacts of five new freeway billboards, including two digital billboards, along I-880 and I-680, concluded that the billboards would result in unavoidable significant impacts related to community character and visual intrusion on nearby residential and hotel uses. Based upon the findings of the 2006 EIR, the current Project together with the other five anticipated billboard structures evaluated in the 2006 EIR, including two with digital billboard facings, would result in significant cumulative impacts rated to community character, nearby residential area vantage points (visual character), and light, glare and sky glow. Based upon the findings in Chapter 4, Aesthetics, of this EIR for Impacts 4-1 and 4-2, the Project could result in a considerable contribution to this ***cumulative significant impact.***

Mitigation 4-3: Mitigations 4-1 and 4-2 in Chapter 4, Aesthetics, would reduce the Project contribution to this previously identified significant cumulative impact on community aesthetic character, but not assuredly to a less than considerable level. The potential Project contribution to this cumulative impact would therefore represent a ***significant and unavoidable*** impact.

5. TRANSPORTATION

As digital billboard technology has rapidly developed, the issue has been raised as to whether digital billboards, regardless of compliance with the operating restrictions imposed by federal and State law, distract or impair the vision of drivers, and thereby create conditions that could lead to traffic accidents. The focus of this chapter is on the potential for the proposed digital billboard facings (up to two each) on the three billboard structures to cause traffic safety hazards related to driver distraction or interference with driver vision.

5.1 ENVIRONMENTAL SETTING

5.1.1 Local Roadway Network

Access to the Project sites is provided by I-880, Dixon Landing Road, California Circle and Cadillac Court (see Figure 3.1 in Chapter 3, Project Description).

(a) Interstate 880. I-880 is a north-south freeway providing regional access between East Bay cities and San Jose, where it becomes State Route (SR) 17. Within Milpitas, I-880 is a six- to 12-lane freeway. The I-880/Dixon Landing Road interchange is located just north of the Project sites. The northbound off-ramp has two lanes, one exit-only lane and one exit-though lane. The left lane forks to provide access to westbound Dixon Landing Road. The I-880/SR 237 interchange is located approximately one mile south of the Project sites. There are three directional signs along the segment of I-880 adjacent to the Project sites.

(b) Dixon Landing Road. Dixon Landing Road is a four-lane, east-west arterial that crosses I-880 via an overpass at the Dixon Landing Road interchange.

5.1.2 Digital Billboard Locational and Operational Characteristics that May Affect Traffic Safety

The potential for digital billboards to distract or impair the vision of drivers and affect traffic safety is a topic of ongoing research. The FHWA, the American Association of State Highway and Transportation Officials, the National Cooperative Highway Research Program,[1] the Transportation Research Board of the National Academy of Sciences, various state departments of transportation, the Illumination Engineering Society of America, and the digital billboard industry have conducted or participated in numerous research studies. Additional studies are underway and more studies are planned. There have not yet been definitive, widely accepted conclusions about the presence or strength of adverse safety impacts from digital billboards, or about specific location, design and operating standards that would protect public safety. Notwithstanding differing conclusions and continued research, many cities and some

[1]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

states have enacted bans or moratoria on digital billboards, including, for example, the cities of Los Angeles, San Francisco, Denver, Houston, Austin, and St. Louis, and the state of Montana.[1]

The growing body of research points to a number of digital billboard location and operational characteristics that could potentially affect traffic safety:[2]

- *Brightness.* The human eye is drawn to the brightest objects in the field of view. A brighter billboard will attract a driver's gaze earlier and longer than other visual stimuli that appear less bright.[3] Perceived brightness is dependent upon the surrounding environment; a digital billboard will appear brighter in a suburban or rural area than in a more brightly lit urban environment. At night, dawn or dusk, or in inclement weather, a bright sign can draw attention away from the road and other vehicles, and render less brightly lit official traffic signs and markings, and vehicle rear lights, less conspicuous and more difficult to discern.[4]

- *Message Duration.* Bright lights and visual change can draw the eye to a stimulus that is brighter than its surroundings or that exhibits apparent movement. Drivers will also be more distracted by a display whose message changes as they approach it, in an effort to see what's next. A longer message duration lowers the number of message changes seen by a driver and is less distracting. Some traffic safety experts recommend that no driver see more than one message change.[5] The FHWA has recommended a message duration of 8 seconds, most states require from 4 to 10 seconds[6], California's Outdoor Advertising Act and the Milpitas Sign Ordinance require a minimum of 4 seconds, and the Outdoor Advertising Association of America recommends 4 seconds[7]. Some states have adopted an approach where the message duration varies with sight distance and prevailing speeds. This approach would suggest a message duration many times longer than what is required by California and Milpitas law or is commonly in use in California.[8]

---

[1]Larry Copeland, More Cities Ban Digital Billboards, USA Today, March 24, 2010.

[2]U.S. Department of Transportation, Federal Highway Administration; The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update; February 2009 (Publication No. FHWA-HRT-09-018).

[3]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

[4]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

[5]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

[6]U.S. Department of Transportation, Federal Highway Administration, Information: Guidance on Off-Premise Changeable Message Signs, September 25, 2007.

[7]Outdoor Advertising Association of America, 2010. https://www.oaaa.org/

[8]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

- *Transition Time.* It is a combination of brightness and apparent motion that attracts a viewer's gaze to a digital billboard. A perceptible dark or blank interval between successive displays will increase the sense of apparent motion (i.e. bright-dark-bright is more visually compelling than bright-bright). Transition between messages is generally between 1 and 4 seconds; the FHWA suggests 1 to 2 seconds.[1]

- *Visual Effects between Displays.* Visual effects, such as fade, dissolve, or animation in the transition between successive messages is widely regarded as a distracting traffic safety hazard.

- *Display Size.* The larger the size of the digital billboard, the larger the images and characters that can be displayed on it, the brighter it can appear to be, the greater the distance from which it can be seen and read, and the more compelling and distracting it is.

- *Billboard Spacing.* The proposed billboards would meet the minimum spacing distance of 1,000 feet required by federal and State law.

- *Location near Official Traffic Signs and Driver Decision Points.* The demand on freeway drivers is greatest when maneuvering to exit or enter a freeway, merging with other traffic, or approaching a curve. The placement of billboards near driver decision and action points, such as near interchanges and curves, or near official traffic control signs and markings that guide drivers in these actions, is a potential traffic safety concern.[2]

5.2 REGULATORY SETTING

5.2.1 Federal Regulations

(a) FHWA Highway Beautification Act Agreements. As part of its agreements with various states pursuant to the Highway Beautification Act (23 U.S.C. Section131), the Federal Highway Administration (FHWA) confirmed that no sign is allowed that imitates or resembles any official traffic sign, and that signs may not be installed in such a manner as to obstruct or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with the vision of drivers in approaching, merging or intersecting traffic.

The FHWA agreement with California pursuant to the Highway Beautification Act includes specific provisions regarding the brightness of signage:

- Signs shall not be placed with illumination that interferes with the effectiveness of, or obscures any official traffic sign, device or signal;

- Signs shall not include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather or similar information);

---

[1]U.S. Department of Transportation, Federal Highway Administration, Information: Guidance on Off-Premise Changeable Message Signs, September 25, 2007.

[2]National Cooperative Highway Research Program, Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs, NCRHP Project 20-7 (256), April 2009.

- Signs shall not cause beams or rays of light to be directed at the traveled way if such light is of such intensity or brilliance as to cause glare or impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.[1]

(b) FHWA Memoranda re: Message Signs. The Federal Highway Administration (FHWA) has responded to the development of signs that present changing messages, either mechanically or digitally, with an interpretation of its agreements with the states pursuant to the Highway Beautification Act. The FHWA discussed "changeable message signs" in a Memorandum dated July 17, 1996, concluding that a state could reasonably interpret the provisions of its agreement with the FHWA "...to allow changeable message signs...The frequency of message change and limitation in spacing for these signs should be determined by the state."[2]

On September 25, 2007, the FHWA again issued a memorandum on the subject of off-premises changeable electronic variable message signs.[3] The 2007 memorandum stated that proposed laws, regulations and procedures that allowed changeable message signs subject to acceptable criteria would not violate the prohibition on "intermittent" or "flashing" or "moving" signs as used in the state agreements. The 2007 memorandum identified "ranges of acceptability" relating to key location and operational characteristics, as follows:

- *Brightness.* The sign brightness should be adjusted to respond to changes in light levels;
- *Duration of Message.* Duration of display is generally between 4 and 10 seconds; 8 seconds is recommended;
- *Transition Time.* Transition between messages is generally between 1 and 4 seconds; 1 to 2 seconds is recommended;
- *Spacing.* Spacing between signs should be not less than the minimum specified for other billboards, or greater if deemed required for safety;
- *Locations.* Location criteria are the same as for other signs unless it is determined that specific locations are inappropriate.

The 2007 memorandum also referred to other standards that have been found helpful to ensure driver safety. These include a default designed to freeze the display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the state departments of transportation to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, or intermittent or full-motion video.

---

[1]Agreement dated February 15, 1968, page 8.

[2]U.S. Department of Transportation, Federal Highway Administration, Information: Guidance on Off-Premise Changeable Message Signs, September 25, 2007.

[3]U.S. Department of Transportation, Federal Highway Administration, Information: Guidance on Off-Premise Changeable Message Signs, September 25, 2007.

The 2007 memorandum noted that this guidance does not prohibit states from adopting more restrictive requirements and does not require local FHWA Divisions to concur with proposed State regulations that do not include adequate standards to address the safety of the motoring public.

5.2.2 State Regulations

(a) Outdoor Advertising Act. In addition to the provisions of the Highway Beautification Act and the FHWA memoranda discussed above, the state of California has adopted the Outdoor Advertising Act (Business and Professions Code Sections 5200 et seq.) and regulations implementing its provisions (California Code of Regulations, Title 4, Division 6, Sections 2240 et seq.). These include provisions that deal specifically with "message centers," which are defined as "...an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds (Section 5216.4)."

Consistent with the memoranda executed pursuant to the Highway Beautification Act, the Outdoor Advertising Act provides that message center displays that comply with its requirements are not considered flashing, intermittent or moving light (Section 5405(d)(1)). The requirements provide that such signs must not display messages that change more than once every 4 seconds, and that no message center may be placed within 1,000 feet of another message center display on the same side of the highway.

(b) Pertinent California Vehicle Code Provisions. The California Vehicle Code regulates the brightness of billboard lighting. Vehicle Code Section 21466.5 prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway," and identifies a brightness standard as follows:

> *"The brightness reading of an objectionable light source shall be measured with a 1 1/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source."*

Vehicle Code Section 21467 provides that each prohibited sign, signal, device or light is a public nuisance and may be removed without notice by Caltrans, the California Highway Patrol or local authorities.

5.2.3 Pertinent City of Milpitas Policies and Regulations

(a) Milpitas Sign Ordinance. The City's Sign Ordinance, Title XI, Chapter 10, Section 24 of the Milpitas Municipal Code, sets forth provisions and standards for billboards adjacent to interstate highways and state routes. Section 24.05(G) of the Sign Ordinance establishes minimum standards for billboards, including height, spacing distance between signs, maximum sign area, angle to the freeway, illumination, and the movement, display time and brightness of LED displays. These standards conform to and are not more restrictive than the minimum requirements of federal and State laws and regulations.

The Sign Ordinance also specifies required findings for City approval of a proposed billboard, including that the proposed off-site advertising display will not create a hazard to vehicular or pedestrian traffic; will conform with the Outdoor Advertising Act in the California Business and Professions Code and other applicable state and federal rules and regulations; and will result in a public benefit to the City outweighing any adverse impacts. The minimum standards and required findings for billboards specified in the City's Sign Ordinance are listed in Section 3.2.3(e) in Chapter 3, Project Description.

Section 24(E) of the Sign Ordinance, "Prohibited Signs and Elements of Signs," prohibits any sign which creates a traffic hazard to operators of motor vehicles or any sign which obstructs or interferes with a motorist's vision.

(b) Milpitas General Plan. The Milpitas General Plan Circulation Element contains policies related to level of service standards, street patterns and classifications, transportation system management, bicycle and pedestrian circulation, and goods movement, but does not contain any policies pertaining to billboards or other signs, or to the potential traffic safety impacts of the Project.

5.3 IMPACTS AND MITIGATION MEASURES

5.3.1 Significance Criteria

Based on the CEQA Guidelines,[1] the Project would be considered to have a significant impact related to transportation if it would:

(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;

(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;

(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;

(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);

(e) Result in inadequate emergency access;

(f) Result in inadequate parking capacity; or

[1] CEQA Guidelines, Appendix G, Items.

(g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

5.3.2 Impacts and Mitigation Measures

Traffic Capacity and Operations. The Project would not generate any new vehicle trips, cause any change in traffic patterns, or change the traffic capacity of the local circulation system. The Project would not directly or indirectly affect traffic operations on Interstate 880 or local streets. The Project would have ***no impact*** related to traffic capacity and operations.

Mitigation. No significant impact has been identified; no mitigation is required.

Air Traffic. There are no airports near the Project sites. The nearest airport is Norman Y. Mineta San Jose International Airport in San Jose, approximately six miles south of the Project sites. The Project would have ***no impact*** on air traffic patterns or safety.

Mitigation. No significant impact has been identified; no mitigation is required.

Traffic Safety Impacts. As digital billboard technology has rapidly developed, the issue has been raised as to whether digital billboards, regardless of compliance with the operating restrictions imposed by federal and State law, distract or impair the vision of drivers, and thereby create conditions that could lead to traffic accidents. The growing body of research points to a number of digital billboard location and operational characteristics that could potentially affect traffic safety; however, there have not yet been definitive, widely accepted conclusions about the presence or strength of adverse safety impacts from digital billboards, or about specific location, design and operating standards that would protect public safety.

A 2009 FHWA report recommended a three-part strategy for further research.[1] The FHWA is currently conducting the first part of this research strategy. Additional research is also continuing by various other government entities and private organizations over time. New information may suggest important modifications are needed. These various research efforts have the potential to yield more conclusive findings and more refined, tested and enforceable standards to protect public safety.

Given the evolving nature of this emerging digital billboard technology, there remains a lack of definitive, widely accepted conclusions about associated traffic safety impacts and appropriate standards. Continued research is being conducted by various government agencies and private organizations. Additional standards may be warranted and forthcoming.

The Project would be required to comply with all existing federal and State laws and regulations related to billboards, including the Highway Beautification Act, FHWA agreements with the State pursuant to the Highway Beautification Act, California's Outdoor Advertising Act, and the California Vehicle Code. These laws and regulations are enforced by Caltrans and the California Highway Patrol. In addition, the Project would be designed and operated within the

---

[1] U.S. Department of Transportation, Federal Highway Administration; The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update; February 2009 (Publication No. FHWA-HRT-09-018).

"ranges of acceptability" related to duration of message, transition time, and spacing suggested by the FHWA in its 2007 memorandum. The Project would also be required to comply with the freeway digital billboard standards contained in the Milpitas Sign Ordinance. In particular, the federal, state and local provisions described below have been formulated to limit driver distraction and thus traffic safety hazards due to digital billboard message duration, location, message sequencing and interactive displays:

- *Message Duration.* The proposed digital billboards would be required to meet the minimum message duration standard of 4 seconds required by State law and the Milpitas Sign Ordinance. However, it should be noted that the FHWA 2007 memorandum recommends a less frequent message change cycle--i.e., a minimum message duration of 8 seconds and some traffic safety experts, research studies and governmental agencies suggest even longer message durations. The proposed 4 second message duration may have the potential to increase driver distraction and thereby substantially increase traffic safety hazards.

- *Location.* The placement of billboards near driver decision and action points or near official traffic control signs that guide drivers in these actions is a traffic safety concern. The attention demand on freeway drivers is greatest when maneuvering to exit or enter a freeway, merging with other traffic, or approaching a curve. The proposed billboard at Site Option 4 could reduce traffic safety due to its location adjacent to the northbound off-ramp to California Circle and Dixon Landing Road. The northbound off-ramp to California Circle and Dixon Landing Road has high traffic volumes, an exit only lane, forking double exit lanes, a sharp ramp, and a directional sign. The placement of the proposed digital billboard at Site Option 4 adjacent to these driver decision and action points and official traffic control signs could reduce traffic safety; however, there is no known existing standard or significance threshold that would definitively indicate that this factor represents a potentially significant impact.

- *Message Sequencing.* Due to their proximity to one another and their placement in succession, the three billboards could be used for message sequencing, which would also have the potential for driver distraction and could reduce traffic safety; however, again, there is no known existing standard or significance threshold that would definitively indicate that this factor represents a potentially significant impact.

A process may be warranted to allow the City to maintain limited ongoing oversight of billboard operation, and to facilitate updates to operational control requirements should new technologies emerge or should new operational data or research findings suggest needed changes to sign physical or operating characteristics (see, for example, recommended development agreement provision under Mitigations 4-1 and 4-2 in Chapter 4, Aesthetics, of this EIR).

The traffic safety impacts of the Project would be ***less than significant.***

Mitigation. No significant impact has been identified; no mitigation is required.

Emergency Access. The proposed billboard structures would not physically obstruct or impede emergency access. The digital billboards would have the ability to display official messages regarding emergencies, and could perform as part of the emergency response system. The Project would have ***no impact*** related to emergency access.

Mitigation. No significant impact has been identified; no mitigation is required.

Alternative Transportation Modes. The proposed billboards would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Project would have ***no impact*** related to public transit, bicycle or pedestrian facilities.

Mitigation. No significant impact has been identified; no mitigation is required.

6. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

This chapter summarizes the EIR findings in terms of the assessment categories required by Section 21100 of the California Environmental Quality Act (CEQA). The findings of this EIR are summarized below in terms of cumulative impacts, unavoidable significant adverse impacts, irreversible environmental changes, and effects found not to be significant.

6.1 CUMULATIVE IMPACTS

According to CEQA Guidelines Section 15355, "Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines Section 15130(a) requires that an EIR shall discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Section 15065(c). "Cumulatively considerable" means that the incremental effects of an individual 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."

In 2006, the City certified an EIR which identified the impacts of locating five new freeway billboards along I-880 and I-680 and removing the two existing billboards on I-680.[1] Two of the five new billboards would be digital billboards. The approximate locations of the five new billboards evaluated in the EIR certified in 2006 were as follows:

- I-880/SR 237 interchange (southwest quadrant);
- I-880/Montague Expressway interchange (northwest quadrant);
- I-680/Jacklin Road interchange (southwest quadrant);
- I-680/E. Calaveras Boulevard interchange (northwest quadrant); and
- I-680/Yosemite Drive interchange (northwest quadrant).

The new billboards required changes to the City's Sign Ordinance to allow off-site advertising signs. The City adopted a new Sign Ordinance in August 2010 which includes standards for billboards adjacent to interstate highways and state routes. Development Agreement and Site Permit Approval for one of the five billboards, the "Toyota sign," located at 950 Thompson Street (APN 086-05-026) in the northeast quadrant of the I-880/Great Mall Parkway interchange, were approved in June 2010.

[1]Redevelopment Agency of the City of Milpitas, Supplemental Environmental Impact Report for the Proposed Merger of Milpitas Project Area No. 1 and the Great Mall Redevelopment Project Area State Clearinghouse #2006082087, November 2006.

6.1.1 Aesthetics

Impact 4-3: Cumulative Impact on Community Aesthetic Character. An EIR certified by the City in 2006 which evaluated the impacts of five new freeway billboards, including two digital billboards, along I-880 and I-680, concluded that the billboards would result in unavoidable significant impacts related to community character and visual intrusion on nearby residential and hotel uses. Based upon the findings of the 2006 EIR, the current Project together with the other five anticipated billboard structures evaluated in the 2006 EIR, including two with digital billboard facings, would result in significant cumulative impacts related to community character, nearby residential area vantage points (visual character), and light, glare and sky glow. Based upon the findings in Chapter 4, Aesthetics, of this EIR for Impacts 4-1 and 4-2, the Project could result in a considerable contribution to this ***cumulative significant impact.***

Mitigation 4-3: Mitigations 4-1 and 4-2 in Chapter 4, Aesthetics, would reduce the Project contribution to this previously identified significant cumulative impact on community aesthetic character but not assuredly to less than considerable levels. The potential Project contribution to this cumulative impact would therefore represent a ***significant and unavoidable*** impact.

6.1.2 Transportation

As explained in Impact 5-1 in Chapter 5, Transportation, this EIR has not identified any significant traffic safety impacts.[1] The 2006 EIR did not identify any significant traffic safety impacts.[2] Therefore cumulative impacts related to traffic safety would be ***less than significant.***

Mitigation. No significant cumulative impact has been identified; no mitigation is required.

6.1.3 All Other Environmental Topics

As explained in Section 6.4 of this chapter, the Project would have a less-than-significant impact with respect to all other environmental topics. Therefore, for these other environmental topics, the Project contribution to cumulative impacts would be less than considerable and thus ***less than significant.***

Mitigation. No significant cumulative impact has been identified; no mitigation is required.

---

[1]Redevelopment Agency of the City of Milpitas, Supplemental Environmental Impact Report for the Proposed Merger of Milpitas Project Area No. 1 and the Great Mall Redevelopment Project Area State Clearinghouse #2006082087, November 2006, p. 7-3.

[2]Redevelopment Agency of the City of Milpitas, Supplemental Environmental Impact Report for the Proposed Merger of Milpitas Project Area No. 1 and the Great Mall Redevelopment Project Area State Clearinghouse #2006082087, November 2006, p. 7-3.

6.2 UNAVOIDABLE SIGNIFICANT IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that the EIR discuss "significant environmental effects which cannot be avoided if the proposed project is implemented." Unavoidable significant impacts are those that could not be reduced to a less-than-significant level by mitigation measures, as part of the project, or other mitigation measures that could be implemented. The Project would result in the following unavoidable significant impacts:

Impact 4-1: Impacts on I-880 Gateway Visual Character. The Project would substantially degrade the existing visual character and quality of the southbound I-880 gateway to Milpitas, which would represent a potentially significant impact. Mitigation 4-1 could require a fair share contribution toward the cost of freeway gateway features recommended in the Milpitas Streetscape Master Plan; a billboard height reduction; and tall trees and shrubs around the base of the billboard at Site Option 4. Implementation of Mitigation 4-1 would reduce the impact of the Project related to visual character and quality. However, despite implementation of this measure, the impact of the Project related to I-880 gateway visual character and quality would be ***significant and unavoidable.***

Impact 4-3: Cumulative Impact on Community Aesthetic Character. As described in section 4.3 in chapter 4 (Aesthetics) and repeated in section 6.1 above, the Project would contribute considerably to the anticipated significant cumulative impact related to community character as a result of the Project together with the foreseeable installation of up to five other digital billboards in Milpitas. Implementation of Mitigation 4-3 would reduce the Project contribution to this significant cumulative impact, but not assuredly to a less-than-significant level; therefore this cumulative aesthetic impact would be ***significant and unavoidable***.

6.3 IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the CEQA Guidelines requires that an EIR also discuss *"significant irreversible environmental changes which would be caused by the proposed project should it be implemented."*

Construction of the Project would involve the use of hazardous materials but not in significant quantities and such use would comply with existing federal, State and County regulations and standards, and the routine practices of regulatory and oversight agencies, which would reduce the likelihood and severity of environmental accidents. Operation of the Project would not involve the potential for environmental accidents.

Construction of the Project would irreversibly commit construction materials and non-renewable energy resources to the manufacture and transport of sign components and the installation of the sign. Operation of the Project would use a substantial amount of energy, an estimated 2.38 million kilowatt hours per year, or the equivalent of approximately 78 homes.[1] The Project would be required to comply with California Code of Regulations Title 24 energy regulations and thus the operation of the Project would not be expected to use energy in a wasteful, inefficient, or unnecessary manner.

[1]City of Sacramento, Digital Billboards Project Revised Initial Study, March 2010, p. 37.

Non-renewable and slowly renewable resources used by the Project would include concrete; petrochemical construction materials; steel; copper; lead and other metals; etc. The Project would not use unusual amounts of energy or construction materials.

6.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the CEQA Guidelines requires that the EIR "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." The impacts of the Project on Aesthetics and Transportation are described in Chapters 4 and 5, respectively. The following other environmental topics included in CEQA Guidelines Appendix G (Environmental Checklist Form) were found not to be significant and were not addressed further in this EIR.

6.4.1 Agricultural and Forest Resources

(a) Important Farmlands. The Project sites and surrounding areas east of I-880 are developed and are designated Urban and Built Up Land on the California Department of Conservation Santa Clara County Important Farmland Map 2008.[1] The Project would have no impact on important farmlands

(b) Agricultural Zoning or Williamson Act Contracts. The Project sites are zoned Industrial Park (MP). There is no agricultural zoning immediately adjacent to the Project sites. There are no Williamson Act Contracts on the project site or in the vicinity. The Project would have no impact with respect to conflicts with agricultural zoning or Williamson Act contracts.

(c) Forest Resources. The Project sites and the surrounding area are developed and are not zoned for forest land or timberland. The Project would have no impact with respect to forest resources.

6.4.2 Air Quality

(a) Air Quality Plan Consistency. The Project would not involve any source of operational emissions of criteria air pollutants, odors or toxic air contaminants, and construction emissions of the Project would be less than significant. The Project would be consistent with and would not disrupt or hinder the implementation of the regional air quality plan or any of its control measures.

(b) Criteria Air Pollutant Emissions. The Project would not involve any source of operational air pollutant emissions. Project construction activities could generate short-term temporary emissions of dust as well as fuel combustion exhaust.

---

[1]California Department of Conservation, Division of Land Resource Protection, Contra Costa County Important Farmland 2008, July 2009. The project vicinity is designated Urban and Built Up Land, which is defined as, "...occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures."

The regulated regional air pollutants of greatest concern and potential impacts resulting from project construction are fugitive dust or particulate matter 10 microns or smaller in diameter (PM_{10}) and 2.5 microns or smaller in diameter ($PM_{2.5}$), and the precursors to ozone, which are reactive organic gases (ROG) and nitrogen oxides (NO_X).

Particulate matter (fugitive dust) is not likely to be a concern because the hole for the foundation of the sign structure would be drilled; no excavation or grading is proposed.

According to the BAAQMD CEQA Air Quality Guidelines, the construction of the proposed project would result in a less-than-significant impact from criteria air pollutant and ozone precursor emissions.[1]

(c) Community Health Risk. The Project would not generate emissions of toxic air contaminants. Therefore, the Project would have no impact related to placing sensitive receptors at an elevated health risk due to concentrations of toxic air contaminants.

(d) Odors. The Project would not involve the creation of objectionable odors. Therefore, the Project would have no impact related to odors.

6.4.3 Biological Resources

(a) Special-Status Species. The Project sites are developed and landscaped with horticultural ground cover, shrubs and trees. Wildlife use in the vicinity of the project site is relatively low due to the absence of natural habitat, the proximity to the freeway, and the lack of protective cover. Birds (e.g., house sparrow, starling, crow, etc.) and wildlife such as opossums and small rodents typically associated with developed commercial properties would be expected to occur on the Project sites.

Site Option 1 (APN 022-38-019) and Site Option 2 (APN 022-38-020) are within an area of recorded occurrences of Congdon's tarplant (*Centromadia parryi* ssp. *Congdonii)*.[2] However, the developed Project sites do not contain suitable habitat for this species.

The Milpitas General Plan Figure 4-2 Sensitive Biotic Resources identifies the Project sites as a potential location for salt marsh harvest mouse (*Reithrodontomys raviventris*), which is listed as Endangered at the State and federal level[3] However, recorded occurrences of salt marsh harvest mouse are all west of I-880.[4] Suitable habitat for this species does not occur on the Project sites or in the adjacent drainage channel. The Project sites and the adjacent freeway right-of-way contain trees that could potentially provide nesting habitat for small songbirds; nesting birds are protected by the Migratory Bird Treaty Act and the California Fish and Game

---

[1]Bay Area Air Quality Management District, CEQA Air Quality Guidelines, June 2010, p. 3-5.

[2]City of Milpitas, Milpitas Walmart Expansion Project Draft Environmental Impact Report SCH No. 2009032018, November 2009, Exhibit 4.3-1.

[3]City of Milpitas, Milpitas General Plan, March 2002, pp. 4-7 to 4-9.

[4]City of Milpitas, Milpitas Walmart Expansion Project Draft Environmental Impact Report SCH No. 2009032018, November 2009, Exhibit 4.3-2.

Code. However, the proximity to the freeway would limit the potential for nesting. Project construction would not require the removal of any trees and would be limited to approximately five days, and thus would not be expected to result in nest abandonment or destruction.

The Project would have no impact on special-status species.

(b) Sensitive Natural Communities or Riparian Habitat. Portions of the drainage channel adjacent to the Project sites do not contain riparian habitat, salt marsh, or any other sensitive natural communities that are considered rare in the region, support special status plant or wildlife species, or receive regulatory protection. The Project would have no impact on sensitive natural communities or riparian habitat.

(c) Wetlands and Other Waters. Portions of the drainage channel located along the western boundary of the Project sites may contain wetlands and other waters subject to Corps jurisdiction under Section 404 of the Clean Water Act, and regulated by the California Department of Fish and Game. The drainage channel would not be directly affected by the Project. The Project would be located within an existing paved area of already developed sites and would involve drilling a hole five feet in diameter and 32 feet deep for the sign column. No grading is proposed. Therefore, the Project would not indirectly affect the drainage ditch by the discharge of sediments due to erosion during construction. The Project would have no impact on wetlands or other waters.

(d) Wildlife Movement. Due to the developed nature of the Project sites, the proximity to the freeway, and the nearby availability of the Penitencia Creek channel as a potential wildlife movement corridor, the Project sites and the adjacent drainage ditch are limited in their function as a wildlife movement corridor. The Project would have no impact on wildlife movement.

(e) Local Policies or Ordinances. Milpitas Municipal Code Title XI, Chapter 2 contains the City's Tree Maintenance and Protection Ordinance, which requires that new development projects obtain a tree removal permit from the Public Works Department prior to removal or replacement. All trees located on developed commercial or industrial property that have a 37-inch or greater circumference of any trunk measured 4.5 feet above the ground, are protected. Any protected trees located within existing landscaped areas of the Project sites that may be removed for the Project would be replaced in accordance with the City's Tree Ordinance. The Project would not conflict with local policies or ordinances protecting biological resources.

(f) Conservation Plans. No habitat conservation plan or natural community conservation plan is applicable to the Project sites.

6.4.4 Cultural Resources

The Project sites and vicinity do not contain any cultural resources listed on the Register of Cultural Resources in Milpitas. The Project sites are located in an area that was previously substantially disturbed during the construction of the industrial park, the freeway and other development in the vicinity. The holes for the foundation of the sign structures would be drilled; no excavation or grading is proposed. Therefore the potential for encountering buried archaeological or paleontological resources is very low and the impact of the Project on cultural resources would be less than significant.

6.4.5 Energy

The Project would require energy for construction and operation. Operation of the Project would require electricity to power the light emitting diodes (LEDs). LEDs may be operated at different intensity levels. Due to the nature of the technology, and regulations that require digital billboards to reduce light intensity in response to ambient conditions, the LEDs in a digital billboard would not operate at full intensity throughout the day.

The Central Texas chapter of the U.S. Green Building Council[1] has produced estimates of electricity use from a digital billboard of 397,485 kilowatt hours per year.[2] Applying this estimate to the three two-sided billboards proposed for the Project, the Project would result in estimated electricity use of approximately 2.38 million kilowatt hours per year, or the equivalent of approximately 78 homes.[3]

The Project would be required to comply with the California 2008 Title 24 energy efficiency standards[4], including an allowed lighting power limit for internally illuminated signs of 12 watts per square foot or, alternatively, a power supply efficiency of at least 80 percent for LED signs. Also, internally illuminated signs are required to be controlled with a dimmer that provides the ability to automatically reduce sign power by a minimum of 65 percent during nighttime hours. Additionally, all electronic message centers (i.e., LED displays) with a new connected lighting greater than 15 kW must have a control capable of reducing the lighting power by at least 30 percent upon receiving a demand response signal sent by the local utility to reduce peak period electricity demand.

Despite the substantial electricity use inherent to digital billboards, due to the requirement to comply with Title 24 energy efficiency standards, the Project would not be expected to use energy in a wasteful, inefficient, or unnecessary manner, nor result in a substantial increase in demand for existing sources of energy or require the development of new sources of energy. The Project would have a less than significant impact related to energy.

---

[1]The U.S. Green Building Council (USGBC) is a national non-profit organization that works toward transforming the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves quality of life. The USGBC created and operates the Leadership in Energy and Environmental Design (LEED) internationally recognized green building certification system, which provides third-party verification that a building or community was designed and built using strategies that improve energy savings, water efficiency, CO_2 emissions reduction, improved indoor environmental quality, and stewardship of resources.

[2]City of Sacramento, Digital Billboards Project Revised Initial Study, March 2010, p. 37. The report indicates that the USGBC estimates were published in a PowerPoint presentation circulated on the Internet, which did not include citations to sources of data nor indicate whether the data were for a one- or two-sided billboard. This EIR assumes the data was for a one-sided billboard.

[3]City of Sacramento, Digital Billboards Project Revised Initial Study, March 2010, p. 37.

[4]Title 24, Part 6, of the California Code of Regulations, Energy Efficiency Standards for Residential and Nonresidential Buildings.

6.4.6 Geology and Soils

(a) Earthquake Fault Rupture. The Project sites are not located within an Alquist-Priolo Earthquake Fault Zone.[1] Therefore, the project would have no impact related to surface fault rupture.

(b) Seismic Ground Shaking. Aside from collapse of the proposed sign structure, there would be little risk of injury related to damage of the proposed improvements during an earthquake. The potential risk of loss or injury from seismic ground shaking would be adequately mitigated by required compliance with the California Building Code and the City's development review procedures. The Project impact related to seismic ground shaking would be less than significant.

(c) Landslides. The Project sites and vicinity are flat and not subject to risk from debris flow source areas as mapped by the ABAG, based on data from the U.S. Geological Survey.[2] The Project impact related to landslides would be less than significant.

(d) Soil Erosion. The Project sites are flat and not subject to severe soil erosion hazards. The Project would be located within an existing paved area of an already developed site. Construction of the Project would involve drilling a hole five feet in diameter and 32 feet deep for the sign column. The Project would not change existing drainage patterns or increase the rate or amount of surface runoff, and thus would not cause erosion. The Project impact related to soil erosion would be less than significant.

(e) Unstable or Expansive Soil. The Project site is within an area of moderate liquefaction susceptibility, based on soil characteristics and the likely severity of groundshaking during an earthquake, as mapped by the ABAG.[3] The potential risk of loss or injury from unstable or expansive soils would be adequately mitigated through required compliance with existing laws, regulations and policies, including the California Building Code and the City's development review procedures. Therefore, the impact of the Project related to unstable or expansive soil would be less than significant.

6.4.7 Greenhouse Gas Emissions

Digital billboards are powered by electricity and the production of electricity generates greenhouse gas (GHG) emissions. Section 15064.4 of the State CEQA Guidelines require a lead agency to make a good-faith effort, based on available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project.

---

[1]City of Milpitas, Milpitas General Plan, March 2002, p. 5-7.

[2]Association of Bay Area Governments, Geographic Information Systems, Hazards Maps, Debris-Flow Source Areas website, viewed on August 18, 2010, http://gis.abag.ca.gov/website/landslides-df/viewer.htm. Based on map of Debris-Flow Source Areas - San Francisco Bay Region Folio Part E" - U.S. Geological Survey.

[3]Association of Bay Area Governments, Geographic Information Systems, Hazards Maps, Liquefaction Susceptibility, viewed on August 18, 2010, http://gis.abag.ca.gov/website/liq/viewer.htm. Liquefaction hazard maps show areas where the ground is susceptible to liquefaction and that are likely to be shaken hard enough in a particular earthquake to trigger liquefaction.

The Central Texas chapter of the U.S. Green Building Council has produced estimates of electricity use and carbon emissions from a digital billboard of 397,485 kilowatt hours per year of electricity and approximately 108 tons of CO_2 emissions per year.[1] Applying this estimate to the three two-sided billboards proposed for the Project, the Project would result in estimated CO_2 emissions of approximately 648 tons per year or 590 metric tons per year[2]. The Bay Area Air Quality Management District (BAAQMD) has established a threshold of significance for GHG emissions from land use projects of 1,100 metric tons of CO_2e per year.[3] The estimated 590 metric tons of CO_2 per year that would be emitted by the Project is below the BAAQMD threshold of significance. Therefore the GHG emissions of the Project would be considered a less than considerable contribution to cumulative GHG emissions and thus would be less than significant.

6.4.8 Hazards and Hazardous Materials

(a) Hazardous Materials Use and Risk of Upset. The operation of the Project would not emit or handle hazardous materials. There are no schools within ¼-mile of the Project sites. The potential threat to public health and safety or the environment from hazardous materials use during construction would be less than significant.

(b) Hazardous Materials Sites. The following hazardous materials sites reported by the California Department of Toxic Substances Control (DTSC) pursuant to Government Code section 65962.5 are located within approximately 1,000 feet of the project site.[4]

Leaking Underground Storage Tank Sites

- California Circle Pump Station (DTSC Case No. T0608500740), 1735 California Circle, Cleanup Status: Completed - Case Closed
- Kingsford Company (DTSC Case No. T0608500807), 1601 W Dixon Landing Road, Cleanup Status: Completed - Case Closed
- Pepsi Cola West (DTSC Case No. T0608501775, RWQCB Case No. 43-1848), 1800 Milmont Drive, Cleanup Status: Completed - Case Closed

---

[1]City of Sacramento, Digital Billboards Project Revised Initial Study, March 2010, p. 37. The report indicates that the USGBC estimates were published in a PowerPoint presentation circulated on the Internet, which did not include citations to sources of data nor indicate whether the data were for a one- or two-sided billboard. This EIR assumes the data was for a one-sided billboard.

[2]One U.S. ton equals 0.91 metric tons.

[3]Bay Area Air Quality Management District, CEQA Air Quality Guidelines, June 2010, p. 2-2.

[4]California Department of Toxic Substances Control, Envirostor website, viewed May 28, 2010, http://www.envirostor.dtsc.ca.gov/public/map.asp?global_id=CAD07908951. The Envirostor web page allows search for properties regulated by DTSC where extensive investigation and/or cleanup actions are planned or have been completed at permitted facilities and clean-up sites.

Cleanup Program Sites

- 1800 Milmont Drive Property (DTSC Case No. T0608591645, RWQCB Case No. 43S0448), 1800 Milmont Drive, Cleanup Status: Open – Inactive

Construction of the Project would involve drilling a hole five feet in diameter and 32 feet deep for the sign column. Groundwater would likely be encountered. The sites nearest and or potentially up-gradient of the Project Site were successfully cleaned up under the oversight of the DTSC and the cases have been closed and groundwater monitoring has stopped. The nearby presence of these sites would not be expected to pose a risk to construction workers, public health or the environment at the Project sites.

(c) Airport Safety Hazards. The project site is not located within an airport land use plan or within two miles of a public airport and would have no impact related to airport safety hazards.

(d) Wildfire Hazard. The project site is located within a Local Responsibility Area Non-Very High Fire Hazard Severity Zone.[1] Therefore, the potential impact related to wildland fire would be less than significant.

6.4.9 Hydrology and Water Quality

(a) Drainage and Water Quality. The Project would be located within an existing paved area of an already developed site. Construction of the Project would involve drilling a hole five feet in diameter and 32 feet deep for the sign column. The Project would not change existing drainage patterns or increase the rate or amount of surface runoff. The drainage and water quality impacts of the Project would be less than significant.

(b) Flooding. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 06085C0058H indicates that the Project sites are located within Special Flood Hazard Area Zone A, which is defined as areas subject to inundation in the 100-year flood for which base flood elevations have not been determined.[2] Therefore, the proposed billboards would be subject to federal and City floodplain management requirements. The billboard structure would be able to withstand flooding. The impact of the Project related to flooding would be less than significant.

(c) Dam Failure Inundation. The project site is not located within an area subject to inundation in the event of a failure of any dam, according to the ABAG dam failure inundation hazard map for Milpitas.[3] There would be no impact on the Project related to dam or levee failure inundation.

---

[1]California Department of Forestry and Fire Protection, Santa Clara County Draft Very High Fire Hazard Severity Zones in LRA, As Recommended by CalFire, October 8, 2008.

[2]Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Program, Flood Insurance Rate Map Number 06085C0058H, Effective Date May 18, 2009.

[3]Association of Bay Area Governments, Dam Failure Inundation Hazard Map for Milpitas, viewed on August 18, 2010, http://www.abag.ca.gov/cgi-bin/pickdamx.pl

(d) Tseiche, Tsunami or Mudflow. There are no bodies of water near enough to the Project sites capable of producing a seiche large enough to inundate the Project sites. The proposed Project Area is not subject to tsunami inundation.[1] The Project sites and vicinity are flat and not subject to risk from debris flow source areas as mapped by ABAG, based on data from the U.S. Geological Survey.[2] The impact of the project related to seiche, tsunami or mudflow would be less than significant.

6.4.10 Land Use and Planning

(a) Divide the Physical Arrangement of the Community. The Project would not physically divide an established community and would have no impact related to community cohesion.

(b) Land Use Compatibility. The visual compatibility of the Project with residential uses to the south and east of the Project sites, including impacts related to visual character and spill light, glare and sky glow, is addressed in Chapter 4, Aesthetics. The compatibility of the Project with the adjacent freeway and associated traffic safety impacts is described in Chapters 5, Transportation. The operation of the Project would not involve any potential land use incompatibility impacts related to noise, hazardous materials, odors, dust, parking or other issues.

(c) Consistency with Plans and Policies. Project consistency with the aesthetics and community character policies of the City's General Plan and Streetscape Master Plan is discussed in Chapter 4, Aesthetics. The Project would be consistent with other policies of the Milpitas General Plan. No habitat conservation plan or natural community conservation plan is applicable to the Project sites.

6.4.11 Mineral Resources

As shown in Figure 4-5, Mineral Resources, of the Milpitas General Plan, all four areas within the city's Planning Area identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources are located in the foothills and are not near the Project sites.[3] The Project would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site, and would have no impact related mineral resources.

6.4.12 Noise

Noise-sensitive receptors in the immediate vicinity of the Project sites include residential uses on Heath Street, Redwood Avenue, Glenmoor Court and N. Abbott Avenue. The Project would generate short-term temporary construction noise. The effects of noise resulting from

---

[1]Association of Bay Area Governments, Geographic Information Systems, Hazards Maps, Tsunami Inundation Emergency Planning Map website, viewed on August 18, 2010, http://gis.abag.ca.gov/website/Tsunami-Maps/viewer.htm.

[2]Association of Bay Area Governments, Geographic Information Systems, Hazards Maps, Debris-Flow Source Areas website, viewed on August 18, 2010, http://gis.abag.ca.gov/website/landslides-df/viewer.htm. Based on map of Debris-Flow Source Areas - San Francisco Bay Region Folio Part E" - U S. Geological Survey.

[3]City of Milpitas, Milpitas General Plan, March 2002, pp. 4-17 and 4-20.

construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors.

Municipal Code Section XI.10.24.05(G)(5)(i) requires noise reduction for digital billboards:

> *"The off-site advertising display shall incorporate noise reduction and attenuation remedies sufficient to limit any exterior intermittent noise level effects at the nearest residential and hotel uses (intensity and frequency) in accordance with the standards of the City's General Plan."*

Given the distance to the nearest residences; the noise shielding provided by the intervening buildings; the existing ambient noise levels generated by the freeway; the limited nature, extent and duration (five days) of construction activities; and the hour of day limits on construction noise imposed by Milpitas Municipal Code Section V-213-3, the temporary construction noise impacts of the Project would be less than significant.

The operation of digital billboard LED displays produces an audible sound when the image displayed is changed. However, given the distance to the nearest residences; the noise shielding provided by the intervening buildings; and the existing ambient noise levels generated by the freeway; the ongoing operational noise impacts of the Project would be less than significant.

6.4.13 Population and Housing

(a) Growth Inducement. The Project would not remove existing obstacles to growth, increase the development potential of adjacent land, or directly or indirectly substantially increase economic activity in the city or the region. The Project sites and adjacent properties are already developed. The Project would have a less-than-significant impact related to growth inducement.

(b) Displacement of Housing and People. There is no housing and there are no people residing on or immediately adjacent to the Project sites. The Project would not displace any housing or people.

6.4.14 Public Services

The project would not directly or indirectly increase demand for public services, or otherwise require the provision of other new or physically altered public facilities. The Project would have no impact related to public services.

6.4.15 Recreation

The Project would not increase the use of existing neighborhood or regional parks or other recreation facilities, or require the provision of new or physically altered park and recreation facilities. The Project would have no impact related to recreation.

6.4.16 Utilities and Service Systems

The Project would require electrical service, which would be extended from the nearest available point on or near the Project sites. Installation of the proposed billboards would require coordination with various utility companies via the Underground Service Alert to prevent conflicts with underground utility lines.

Construction waste would be disposed of at the Newby Island Landfill, located on Dixon Landing Road in San Jose, approximately one mile from the Project sites. The Newby Island Landfill has sufficient capacity to accept waste until 2021.[1] Operation of the Project would not generate solid waste. The impacts of the Project related to utilities and service systems would be less than significant.

[1]City of Milpitas, Milpitas General Plan, March 2002, p. 4-27.

7. ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires an EIR to *"...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives....The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if those alternatives would impede to some degree the attainment of the project objectives, or would be more costly."*

Pursuant to Section 15126.6, this chapter describes seven alternatives to the Project, and compares them to the Project in terms of their impacts and ability to meet the basic Project objectives. The environmentally superior alternative among the seven is also identified, as well as the reasons none of the seven alternatives were chosen over the Project.

The alternatives were developed with the purpose of avoiding or substantially reducing the potentially significant impacts of the Project on visual character; light, glare and sky glow; and traffic safety. In accordance with Section 15126.6(a) of the CEQA Guidelines, this EIR does not evaluate every conceivable alternative. Only a feasible range of alternatives that would allow decision-makers to make a reasoned choice, and only alternatives that meet most of the basic objectives of the Project, as identified in Chapter 3, Project Description, have been evaluated.

The following seven alternatives have been evaluated in comparison to the Project:

- Alternative 1: No Project,
- Alternative 2: Lower Height,
- Alternative 3: Fewer Billboards,
- Alternative 4: All Non-LED Billboards,
- Alternative 5: Alternative Location--Two Billboards on East Side and One Billboard on West Side of I-880,
- Alternative 6: Alternative Location--One Billboard on East Side and Two Billboards on West Side of I-880, and
- Alternative 7: Alternative Location--All Three Billboards on West Side of I-880.

In accordance with Section 15126.6(d) of the CEQA Guidelines, the discussion of the impacts of the alternatives is intended to be less detailed than the discussion of the impacts of the Project. Table 7.1 provides a summary comparison of the impacts of the alternatives to those of the Project.

Table 7.1
ALTERNATIVES COMPARISON TO THE PROJECT

	Aesthetics	Transportation	Other Impacts	Attainment of Project Objectives
Alternative 1: No Project	No impacts.	No impacts.	No impacts.	No Attainment.
Alternative 2: Lower Height	Similar significant unavoidable impact. Reduced significant impacts.	Similar less-than-significant impacts.	Similar less-than-significant impacts.	Substantial attainment.
Alternative 3: Fewer Billboards	Similar significant unavoidable impact. Reduced significant impacts.	Less-than-significant impacts.	Similar less-than-significant impacts.	Reduced attainment.
Alternative 4: All Non-LED Billboards	Similar significant unavoidable impact. Reduced significant impacts.	Less-than-significant impacts.	Similar less-than-significant impacts.	Reduced attainment.
Alternative 5: Two Billboards on East Side of I-880 and One Billboard on West Side of I-880	Similar significant unavoidable impact. Reduced significant impacts.	Less-than-significant impacts.	Similar less-than-significant impacts.	Reduced attainment.
Alternative 6: One Billboard on East Side of I-880 and Two Billboards on West Side of I-880	Similar significant unavoidable impact. Reduced significant impacts.	Less-than-significant impacts.	Similar less-than-significant impacts.	Reduced attainment.
Alternative 7: All Three Billboards on West Side of I-880	Similar significant unavoidable impact. Reduced significant impacts.	Less-than-significant impacts.	Similar less-than-significant impacts.	Substantial attainment.

7.1 ALTERNATIVE 1: NO PROJECT

7.1.1 Principal Characteristics

CEQA Guidelines section 15126.6(e)(1) requires the specific alternative of No Project to "be evaluated along with its impact...to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." CEQA Guidelines section 15126.6(e)(2) requires the No Project analysis to "discuss the existing conditions at the time the (EIR) notice of preparation is published...as well as what would reasonably be

expected to occur in the foreseeable future if the project were not approved, based on current plans." Alternative 1 would maintain the existing conditions as described in the "Environmental Setting" sections of each environmental topic chapter in this EIR.

7.1.2 Impacts and Mitigations

(a) Aesthetics. Alternative 1 would maintain existing conditions and thus would avoid any impacts on gateway visual character and the significant impacts related to residential visual character and spill light, glare and sky glow identified for the Project.

(b) Transportation. Alternative 1 would maintain existing conditions and thus would avoid any significant impacts on traffic safety identified for the Project.

(c) Other Impacts. Alternative 1 would maintain existing conditions and thus would have no environmental impacts.

7.1.3 Attainment of Project Objectives

Alternative 1 would not achieve the basic Project objective of erecting new freeway digital billboards, as well as providing associated advertising revenue to the applicant and City.

7.2 ALTERNATIVE 2: LOWER HEIGHT

7.2.1 Principal Characteristics

Alternative 2, Lower Height, would involve installing three billboard structures along the east side of I-880 south of Dixon Landing Road, similar to the Project. However, Alternative 2 would reduce the height of the billboards to 50 feet, down from 70 feet with the Project. All other location, design and operational characteristics of Alternative 2 would be similar to the Project.

7.2.2 Impacts and Mitigations

(a) Aesthetics. Alternative 2 would reduce the significant impacts of the Project on I-880 gateway visual character and spill light, glare and sky glow impacts. Impacts on I-880 gateway visual character would be reduced, but the reduction would not be substantial--i.e., this identified impact would remain significant and unavoidable. At a height of 50 feet, the billboards would not be blocked from view by roadside vegetation and would still be visible to approaching freeway drivers for a considerable distance, but would likely not be visible from adjacent residential uses on Glenmoor Circle, N. Abbott Avenue, and east of the Penitencia Creek channel. The sky glow impacts and mitigation needs of Alternative 2 would be similar to the Project.

(b) Transportation. Alternative 2 would not be visible from as great a distance or as long a time from the freeway view as the Project, but would still result in traffic safety effects similar to but less than the Project.

(c) Other Impacts. Alternative 2 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.2.3 Attainment of Project Objectives

Alternative 2 would reduce or avoid Project visual and noise impacts on nearby residential and hotel uses, and would be substantially as effective in meeting the basic Project objective of erecting new freeway billboards with high visibility, as well as providing associated advertising revenue to the applicant and City.

7.3 ALTERNATIVE 3: FEWER BILLBOARDS

7.3.1 Principal Characteristics

Figure 7.1 shows seven possible locations, Site Options 1 through 7, where the proposed three digital billboard structures may be located. Under the proposed Project, all three billboard structures would be located on the east side of I-880, at three of the four east side Site Options 1 through 4.

Under **Alternative 3**, Fewer Billboards, two billboard structures rather than three would be installed along the east side of I-880 south of Dixon Landing Road. The proposed east side billboard at Site Option 4 would be eliminated in order to reduce the potential for traffic safety hazards associated with driver distraction near driver decision and action points and official traffic control signs associated with the northbound off-ramp of the Dixon Landing Road interchange. The two billboards retained would be located on Project Site Options 1, 2 or 3. The two billboards would be spaced at least 1,000 feet apart. All other design and operational characteristics of Alternative 3 would also be similar to the Project.

7.3.2 Impacts and Mitigations

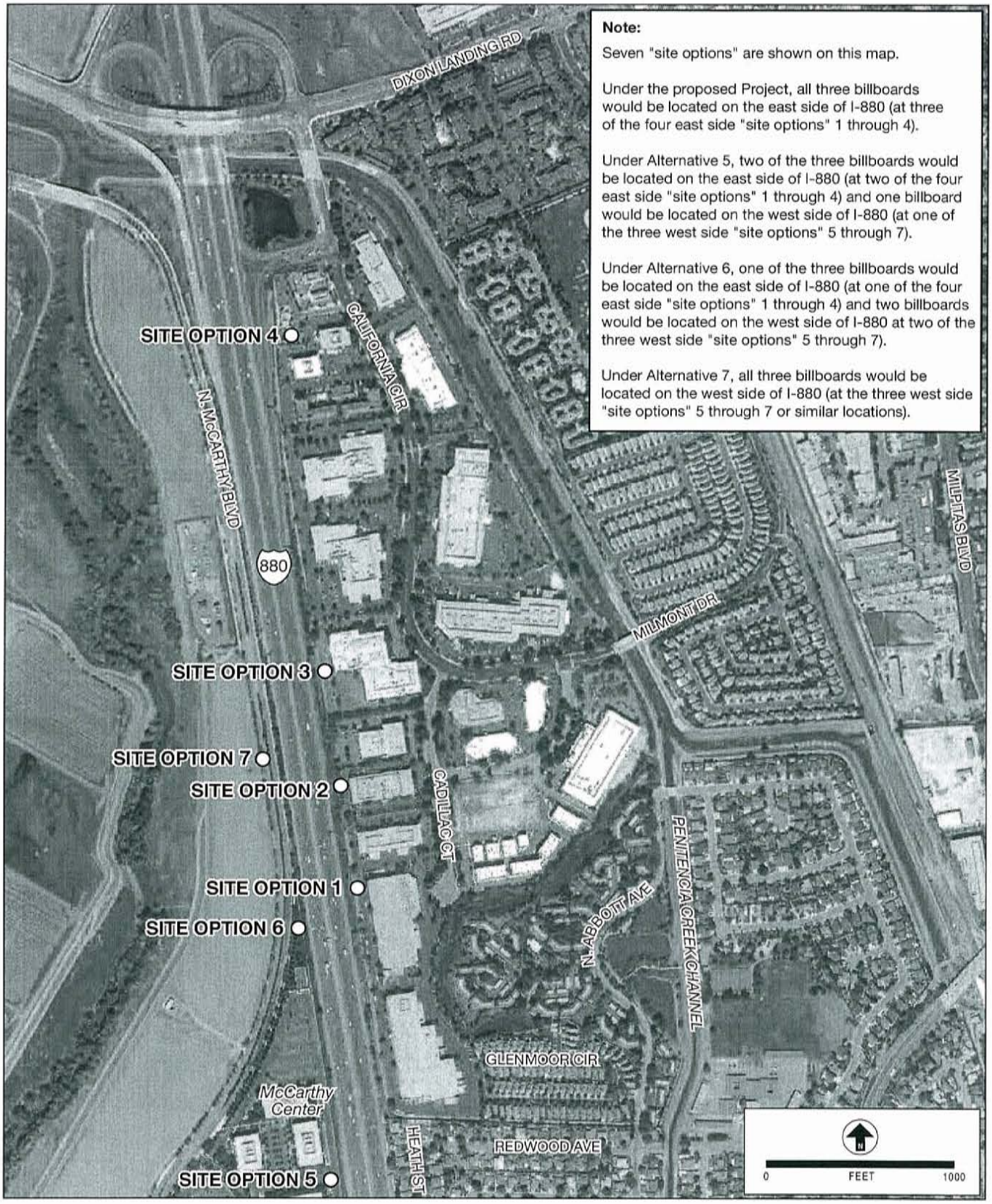
(a) Aesthetics. Alternative 3 would allow for optimal placement of the billboards to reduce or avoid visual impacts on nearby homes. With only two billboards instead of three, there would be a proportional decrease in impacts on light, glare and sky glow. Alternative 3 would also reduce or avoid Project visual impacts on sensitive residential uses east of the Penitencia Creek channel near Dixon Landing Road. Impacts on I-880 gateway visual character would be reduced but would nevertheless remain significant and unavoidable. There would be less interference with future City implementation of gateway landscaping and signage treatments recommended in the General Plan and Streetscape Master Plan. Nevertheless, impact and mitigation findings 4-1 through 4-3 for the proposed Project would continue to apply.

(b) Transportation. With only two billboards instead of three, there would be some decrease in potential Project effects on driver attention.

(c) Other Impacts. Alternative 3 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.3.3 Attainment of Project Objectives

Alternative 3 would achieve the basic Project objectives of erecting new freeway digital billboards, as well as providing benefits to the applicant and City in terms of local business



SOURCE: Wagstaff/MIG

Figure 7.1

ALTERNATIVE BILLBOARD LOCATIONS

promotion and generation of associated advertising revenue. However, with only two billboards instead of three, there would be a proportional decrease in benefits accruing to the billboard owner and operator, as well as to the City.

7.4 ALTERNATIVE 4: ALL NON-LED BILLBOARDS

7.4.1 Principal Characteristics

Under **Alternative 4**, All Non-LED Billboards, three billboard structures would be installed on three of the same four site options along the east side of I-880 as under the proposed Project, but without "digital" LED displays. Instead, all three would include externally illuminated facings, two per structure. The locations, height and size of the three "non-digital" billboards would be similar to the Project.

7.4.2 Impacts and Mitigations

(a) Aesthetics. Alternative 4 would be less visually conspicuous because non-LED billboards would not have changing messages. In addition, the light sources used for sign illumination could be more effectively shielded. Therefore, Alternative 4 could be designed to reduce spill light, glare and sky glow impacts. Alternative 4 would still cause a significant and unavoidable impact on gateway visual character. In summary, impact and mitigation findings 4-1 through 4-3 for the proposed Project would continue to apply under Alternative 4.

(b) Transportation. Alternative 4 would reduce the traffic safety effects of the project. Non-LED billboards would be less distracting to drivers because they would be less bright and would not have changing messages, which are more noticeable and distracting.

(c) Other Impacts. Alternative 4 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.4.3 Attainment of Project Objectives

Alternative 4 would partially achieve the basic Project objectives of erecting new freeway billboards, though not digital billboards, and would provide similar but reduced benefits to the applicant and City in terms of advertising revenue and promotion of local businesses.

7.5 ALTERNATIVE 5: ALTERNATIVE LOCATION--TWO BILLBOARDS ON EAST SIDE AND ONE BILLBOARD ON WEST SIDE OF I-880

7.5.1 Principal Characteristics

Under **Alternative 5**, two of the three proposed billboard structures would be located on the east side of I-880 at two of the four east side Site Options 1 through 4, and one of the three would be located on the west side of I-880 at one of the three west side Site Options 6 through 7. The two billboards on the east side would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

7.5.2 Impacts and Mitigations

(a) Aesthetics. Similar to Alternative 3, Alternative 5 would reduce the number of billboards on the east side of the freeway where potential impacts on nearby homes could occur. Alternative 5 would allow for optimal placement of the two billboards on the east side to avoid or reduce visual impacts on nearby homes. With only two billboards instead of three on the east side of I-880, there would be a proportional decrease in impacts on light, glare and sky glow. Alternative 5 would also reduce or avoid Project visual impacts on sensitive residential uses east of the Penitencia Creek channel near Dixon Landing Road. There would be less interference with future City implementation of gateway landscaping and signage treatments recommended in the General Plan and Streetscape Master Plan. Impacts on I-880 gateway visual character would be reduced but would nevertheless remain significant and unavoidable. Impact and mitigation findings 4-1 through 4-3 for the proposed Project would continue to apply.

(b) Transportation. With only two billboards instead of three on the east side of I-880, there would be some decrease in potential Project effects on driver attention.

(c) Other Impacts. Alternative 5 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.3.3 Attainment of Project Objectives

Alternative 5 would achieve most of the basic Project objectives by erecting three new freeway digital billboards, as well as providing benefits to the applicant and City in terms of local business promotion and generation of associated advertising revenue.

7.6 ALTERNATIVE 6: ALTERNATIVE LOCATION--ONE BILLBOARD ON EAST SIDE AND TWO BILLBOARDS ON WEST SIDE OF INTERSTATE 880

7.6.1 Principal Characteristics

Under **Alternative 6**, one of the three proposed billboard structures would be located on the east side of I-880 at one of the four east side site options, and the other two billboards would be located on the west side of I-880 at two of the three west side site options. The two billboards on the west side would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

7.6.2 Impacts and Mitigations

(a) Aesthetics. Alternative 6 would allow for optimal placement of the one billboard on the east side of I-880 to reduce or avoid visual impacts on nearby homes. With only one billboard on the east side instead of three, there would be a proportional decrease in impacts on light, glare and sky glow. Alternative 6 would also reduce or avoid Project visual impacts on sensitive residential uses east of the Penitencia Creek channel near Dixon Landing Road.

The two billboards located on the west side of I-880 would result in similar significant and unavoidable impacts on the Dixon Landing Road interchange gateway to Milpitas. Due to the

interchange overpass and southbound on-ramp embankment, the two billboards on the west side of the freeway would be visible to drivers entering Milpitas for a shorter distance.

(b) Transportation. With only one billboard instead of three on the east side of I-880, there would be a substantial decrease in potential Project effects on driver attention.

(c) Other Impacts. Alternative 6 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.6.3 Attainment of Project Objectives

Alternative 6 would achieve most of the basic Project objectives by erecting three new freeway digital billboards, as well as providing benefits to the applicant and City in terms of local business promotion and generation of associated advertising revenue.

7.7 ALTERNATIVE 7: ALTERNATIVE LOCATION--ALL THREE BILLBOARDS ON WEST SIDE OF INTERSTATE 880

7.7.1 Principal Characteristics

Under **Alternative 7**, All Three Billboards on West Side of Interstate 880, all three billboard structures would be installed along the west side of I-880 rather than along the east side of the freeway, either on: the three west side Site Options 5 through 7 shown on Figure 7.1, or on undeveloped land west of N. McCarthy Boulevard, or on some combination of these various options. The three billboard structures would be spaced at least 1,000 feet apart. All other design and operational characteristics would be similar to the Project.

7.7.2 Impacts and Mitigations

(a) Aesthetics. Billboards located on the west side of I-880 south of Dixon Landing Road would result in similar significant and unavoidable impacts on the Dixon Landing Road interchange gateway to Milpitas. Due to the interchange overpass and southbound on-ramp embankment, billboards at these west side locations would be visible to drivers entering Milpitas for a shorter distance.

Billboards located on the west side of N. McCarthy Boulevard within the McCarthy Center office, industrial and commercial park areas and/or the adjacent WalMart site would be farther away from the Dixon Landing Road interchange gateway to Milpitas, and thus would have a less substantial impact on this important gateway view. However, this reduction in impact would be offset by increased visibility from the SR 237 gateway to Milpitas. Therefore, the impact on gateway visual character would still be significant and unavoidable. As a result, impact and mitigation findings 4-1 ad 4-3 would continue to apply.

(b) Transportation. In general, digital billboards located on the west side of I-880 would have traffic safety effects similar to the proposed Project. Billboards located on lands east or west of N. McCarthy Boulevard would be less distracting to drivers because they would be farther away from the freeway and, due to the interchange overpass and southbound on-ramp embankment, would be visible to approaching drivers for a shorter distance.

(c) Other Impacts. Alternative 7 would have similar less-than-significant impacts with respect to all other environmental topics included in CEQA Guidelines Appendix G and evaluated in Section 6.4, Effects Found Not to be Significant, of this EIR.

7.7.3 Attainment of Project Objectives

Billboards located on the west side of I-880 south of SR 237 would be less effective in attaining the Project objectives due to view blockage by the interchange overpass and southbound on-ramp embankment, which would result in a shorter duration (distance) of visibility to approaching drivers. Billboards located farther away from the freeway than the proposed Project would also be less effective.

7.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines (section 15126[e][2]) stipulate, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Other than the No Project alternatives, Alternative 4, All Non-LED Billboards, would result in the least adverse environmental impacts, and would therefore be the "environmentally superior alternative." Alternative 4 would reduce Project impacts on adjacent residential area visual character (Impact 4-2) and Project spill light and sky glow effects (Impact 4-3); however, Alternative 4 would be far less effective in attaining the Project objectives.

8. MITIGATION MONITORING

8.1 MITIGATION MONITORING REQUIREMENTS

CEQA Section 21081.6 of the Public Resources Code requires a lead agency to adopt a mitigation monitoring program when it approves a project for which an EIR or mitigated negative declaration has been prepared. A mitigation monitoring program would therefore be required to verify the implementation of mitigation measures identified in this EIR that are adopted by the City. Monitoring of the implementation of most of the mitigation measures would occur through the City's development review procedures, including plan check and field inspection procedures. However, to satisfy CEQA statute Section 21081.6 and CEQA Guidelines Section 15097 (Mitigation Monitoring and Reporting), a documented record of implementation will be necessary.

8.2 MITIGATION MONITORING CHECKLIST FORMAT

A Mitigation Monitoring Program will be prepared after the City certifies the Final EIR and approves the project, and makes findings as to which mitigation measures are feasible and within its jurisdiction, and will be implemented. The following Mitigation Monitoring Checklist (Table 8.1) template contains the following information, pursuant to CEQA Guidelines Section 15097:

- *Impact.* This column identifies each significant impact, as presented in the EIR summary table (Table 2.1 in Chapter 2).
- *Related Mitigation Measure.* This column identifies the corresponding mitigation measures as presented in the EIR summary table, and may be supplemented by the performance criteria by which the success of the mitigation will be gauged.
- *Monitoring.* This column identifies (1) the "implementing entity" responsible for carrying out each mitigation measure (e.g., City, applicant); (2) the "type of monitoring action" (e.g., condition of future project approval, plan check, specialized monitoring study); (3) timing (e.g., upon completion of a particular construction phase, before issuance of an occupancy permit); and (4) the "monitoring and verification entity" responsible for verifying compliance (e.g., City department).
- *Verification.* This column provides a space for the signature and date of the "monitoring and verification" entity when a monitoring milestone is reached.

Table 8.1

MITIGATION MONITORING CHECKLIST-- INTERSTATE 880 BILLBOARDS PROJECT

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the Interstate 880 Billboards Project in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE (Performance Criteria)**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
AESTHETICS						
Impact 4-1.						
Impact 4-2.						
Impact 4-3.						

9. APPENDICES

9.1 Notice of Preparation and Comments Received
9.2 Organizations and Persons Contacted
9.3 EIR Preparers

APPENDIX 9.1

NOTICE OF PREPARATION AND COMMENTS RECEIVED

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

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665

Santa Clara County Clerk–Recorder's Office
State of California

L 96473

Document No.:	16166
Number of Pages:	4
Filed and Posted On:	6/25/2010
Through:	7/25/2010
CRO Order Number:	322602
Fee Total:	0.00

REGINA ALCOMENDRAS, County Clerk–Recorder
by Oscar Urquilla, Deputy Clerk–Recorder,

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Milpitas
2. PROJECT TITLE: Milpitas Signs
3. APPLICANT NAME: SignCo East, LLC PHONE: 408.356.2300 x 16
4. APPLICANT ADDRESS: 15425 Los Gatos Blvd., Los Gatos, CA 95032
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

☐ 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	$ 2,792.25	$ 0.00
☐ 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)	$ 2,010.25	$ 0.00
☐ 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	$ 850.00	$ 0.00
☐ 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	$ 949.50	$ 0.00
☐ 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

☐ 1. NOTICE OF EXEMPTION ($50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	$ 50.00	$ 0.00
☐ 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

☒ NOTICE OF PREPARATION ☐ NOTICE OF INTENT	NO FEE	$ NO FEE

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 THREE COPIES. *(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)

File#: 16166 6/25/2010

CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

NOTICE OF PREPARATION

To:	Responsible Agencies, Trustee Agencies, and Other Interested Parties
Subject:	**Notice of Preparation of a Draft Environmental Impact Report for the Proposed Milpitas Signs Project**[1]
From:	City of Milpitas
Street Address:	455 East Calaveras Boulevard
City/State/Zip:	Milpitas, California 95035
Contact:	Sheldon S. Ah Sing, Senior Planner, at (408) 586-3279

The City of Milpitas (City) will be the Lead Agency and will prepare a Draft Environmental Impact Report (DEIR) for the proposed project identified below.

To Agencies: We are interested in the views of your agency as to the appropriate scope and content of the DEIR's environmental information pertaining to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by the City when considering your permit or other approval for the project. The proposed project, its location, and its potential environmental effects are described below.

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

Please send your response to the City of Milpitas Planning Department, Attention: Sheldon S. Ah Sing, Senior Planner, 455 East Calaveras Boulevard, Milpitas, California 95035. Please provide a contract name for your agency with your comments.

Project Title: Milpitas Signs

Project Applicant: SignCo East, LLC

Project Location: See Exhibit 1. The project site is located along the east side of Interstate I-880, between the Dixon Landing Road and SR 237 (Calaveras Boulevard) interchanges, in the City. Three new digital signs (one replacing an existing non-digital freeway sign) are proposed along this freeway segment.

Project Description: In coordination with the City of Milpitas Economic Development Department, the applicant is proposing to install up to three new or replacement signs along the I-880 freeway corridor in Milpitas. Exhibit 1 herein shows the three proposed sign locations.

The three new signs, which will constitute the EIR "project," are proposed to include electronic digital reader board components. The signs are proposed to be similar in size to existing digital reader board signs located along other stretches of I-880 in the subregion. Top-of-sign heights of up to 70 feet, and maximum sign areas of 20 by 60 feet, are proposed.

---

[1] *References:* California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a) and (b), 15103 and 15375.

Required Jurisdictional Approvals. The proposed project will require City architectural design review and various ministerial City approvals (building permit, sign permit, etc.). The project may also be subject to various applicable California Outdoor Advertising Act (ODAA) provisions and California Department of Transportation (Caltrans) review requirements. At the outset of the EIR preparation program, a determination will be made in consultation with City staff whether each of the proposed sign locations is within the "landscaped" or "non-landscaped" sections of the freeway corridor and accordingly to what extent ODAA and Caltrans review requirements apply.

DEIR Scope:

The City has determined that the proposed project will require preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The probable impacts of the proposed project (both significant and less than significant) that will be evaluated in the EIR fall into the following categories:

- ***Aesthetics.*** The potential individual and aggregate visual impacts of the proposed signs, and the consistency of these potential impacts with adopted City and, if applicable, Caltrans policies, will be addressed.

- ***Land Use and Planning.*** The consistency of the proposed new signs with currently adopted City and, if applicable, Caltrans policies and regulations, will be addressed.

- ***Noise.*** The potential short-term construction period noise impacts and long-term operational electronic message board noise impacts of the signs will be addressed.

The City has determined that the following environmental factors would not be potentially affected by this project: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

If you wish to be placed on a mailing list to receive further information as the project continues, or have questions about the NOP or proposed project, please contact Sheldon Ah Sing, Senior Planner, at (408) 586-3279; fax: (408) 586-3305; e-mail: sahsing@ci.milpitas.ca.gov.

SOURCE: Wagstaff/MIG

Exhibit1

PROJECT LOCATIONS

Pacific Gas and Electric Company®

Land and Environmental Management 111 Almaden Blvd., Rm. 814
San Jose, CA 95113

August 02, 2010

City of Milpitas
Planning Department
455 East Calaveras Blvd.
Milpitas, CA 95035

RE: Tentative Maps and Plans (Dated July 2010)
Milpitas Signs along east side of I-880 between the Dixon Landing Road and SR 237

City of Milpitas Planning Department:

Thank you for the opportunity to review the Tentative Maps and Plans on the above referenced property. PG&E has no objection to the plans.

PG&E owns and operates a variety of gas and electric facilities which may be located within the proposed project boundaries. Project proponents should coordinate with PG&E early in the development of their project plans to promote the safe and reliable maintenance and operation of existing utility facilities. Any proposed development plans should provide for unrestricted utility access and prevent interference with PG&E easements.

Activities which may impact our facilities include, but are not limited to, permanent/temporary changes in grade over or under our facilities, construction of structures within or adjacent to PG&E's easements, and planting of certain types of vegetation over, under, or adjacent to our facilities.

The installation of new gas and electric facilities and/or the relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Please contact me at (408)282-7546 or lnv5@PGE.com if you have any questions regarding our comments.

Sincerely,

Lam Vu
Land Technician

APPENDIX 9.2 ORGANIZATIONS AND PERSONS CONTACTED

CITY OF MILPITAS

Sheldon Ah Sing, Senior Planner

APPLICANT

Jim Foley, The McCarthy Ranch

APPENDIX 9.3 EIR PREPARERS

WAGSTAFF/MIG
Urban and Environmental Planners; Prime Contractor

John Wagstaff, Principal-in-Charge
Ricardo Bressanutti, AICP, LEED AP, Senior Planner
Steve Ridone, Project Associate

RT DESIGN
Graphics

Ron Teitel, Graphic Designer