MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: March 24, 2010

APPLICATION:	**Conditional Use Permit Amendment No. UA09-0002, Site Development Permit Amendment No. SA09-0003, and Environmental Assessment No. EA09-0006, Walmart Expansion Project**
APPLICATION SUMMARY:	A request to allow for an 18,457 square foot building expansion of an existing Walmart Store to accommodate grocery and alcohol sales and for the installation of related site and building improvements.
LOCATION:	301 Ranch Drive (APN 22-29-016), Milpitas, CA 95035
APPLICANT/OWNER:	
RECOMMENDATION:	**Staff recommends that the Planning Commission: Adopt Resolution No. 10-016 approving the project subject to conditions of approval and certification of the project EIR.**

PROJECT DATA:

General Plan/ Zoning Designation:	General Commercial (GNC)/General Commercial (C2)
Overlay District:	Site and Architectural Overlay (-S)
Specific Plan:	N/A

Site Area:	14.56 Acres
Existing Building Square Footage:	131,725 Square Feet
Proposed Building Addition:	18,457 Square Feet
Proposed Building Square Footage:	150,172 Square Feet
Floor Area Ratio (FAR):	24%
Parking Provided:	780
Parking Required:	751

CEQA Determination:	In accordance with Article 7 of the CEQA Guidelines, an Environmental Impact Report (EIR) was prepared and circulated between November 5, 2009 to December 21, 2009. The Final EIR was made available on February 18, 2010.
PLANNER:	Cindy Hom, Assistant Planner
PJ:	2525

ATTACHMENTS:

A. Resolution No. 10-016 (EIR)
B. Resolution No. 10-017 (Entitlements)
C. Project Plans
D. Project Description
E. Comment Letters

LOCATION MAP

No scale

BACKGROUND

On March 24, 1993, the Planning Commission approved Conditional Use Permit No. 1163 and granted site and architectural approval for the development of a 131,725 square foot Walmart Store with an outdoor garden center. The Conditional Use Permit covered internal uses that included automotive service and repairs, a garden center, and a fast food service area. On March 31, 1993, the project approval was appealed to the City Council. The City Council held a public hearing on April 20, 1993 and upheld the Planning Commission decision to approve Conditional Use Permit No. 1163 and the site and architectural approval.

Subsequent amendments were approved for temporary tent sales, periodic temporary RV sales within the parking lot, and minor site development permit approvals for the construction of an equipment enclosure in 2004 and storage enclosure in 2007. On January 12, 2005, the Planning Commission approved Conditional Use Permit Amendment No. UA2004-18 that allowed for the sale of refrigerated and frozen convenience food items.

On January 26, 2009, John Clarke with Walmart Stores Inc. submitted an application to allow for an 18,457 square foot building expansion, remodel of the exterior building façade, installation of associated site improvements, replacement of existing signage, and an amendment to the existing conditional use permit to allow for grocery and alcohol sales. The application is submitted pursuant to the following Milpitas Municipal Codes:

- XI-10-5.02-1 [Grocery Store within 1,000 feet of residential zone and Liquor Store (Alcohol Beverage Sales)],
- XI-10-57.03 (C)(1)(e)(i) (Additions to a nonresidential building)
- XI-10-57.04(I) (Modifications requested by the applicant)

The proposed modifications to the existing Site Development Permit and Conditional Use Permit require Planning Commission review and approval.

In addition, an environmental impact report (EIR) has been prepared for the project for the Planning Commission's review and consideration. Consideration of whether to certify the EIR is required before the Planning Commission may consider the amendment of the Site Development Permit and the Conditional Use Permit.

PROJECT DESCRIPTION

The project site is located on a 14.56 acre parcel that is bounded by the McCarthy Ranch Marketplace shopping center to the south, Ranch Drive to the east and north, and North McCarthy Boulevard to the west. Surrounding land uses consist of commercial retail uses to the south, industrial offices to the north and west, and agricultural uses to the northwest. A vicinity map of the subject site location is provided on the previous page.

The project site is currently developed with a 131,725 concrete tilt up building and existing site improvements. The existing Walmart Store contains a general merchandise sales area, a fast food service area (McDonald's Restaurant), a stockroom receiving area, loading dock, an outdoor garden center, and a tire and lube express center. The existing building architecture is characterized by a 1990s contemporary "big box" architectural style that is painted with beige and neutral blue tones. Individual channel letter signs are located along the west elevation and north elevation. Existing site

improvements include an asphalt parking lot that provides 835 parking spaces, site lighting, and landscaping consisting of ornamental trees and various shrubs and groundcover.

The project proposal entails an 18,457 square foot building addition proposed at the southern portion of the building that would accommodate proposed grocery sales and support areas. In conjunction with the grocery sales, the applicant also proposes sale of all types of alcohol. The proposed addition would extend the existing building approximately 54-feet outward in width and 315-feet in depth into the existing parking lot. As a result, the proposed addition would remove approximately two rows of parking (56 parking spaces). A new entry vestibule would be constructed at the southeast corner of the building. The project also proposes various physical improvements to the site and building that include parking lot restriping, landscaping modifications, accessibility improvements, façade upgrades, and replacement of existing signage on the building and on the McCarthy Ranch Marketplace identification signs. Proposed modifications and project compliance with development standards are further discussed in the sections below.

Development Standards

Table 1
C2 Development Standards

	Zoning Ordinance	Proposed	Consistent
Setbacks (Minimum)			
Front to Primary Structure	None	280’	Yes
Interior/Street Side	15’ min	197’/110’	Yes
Rear	15’ min.	80’	Yes
Lot Area (Maximum)	10,000 s.f.	634, 236 s.f.	Yes
Floor Area Ratio (Maximum)	50%	24%	Yes
Building Height (Maximum)	None	28’	Yes
Parking (Minimum) discussed further Parking Section below.	751	779	Yes

Access and Site Circulation

Site Access

Access to the site is provided by two existing driveways onto Ranch Drive that provides access to and from the Walmart Store and a third driveway which provides shared access to the McCarthy Ranch Marketplace located southeast of the Walmart Store. All three driveways are stop-controlled and provide single-lane ingress and egress. The project proposes no changes to the existing driveways.

Local and Regional Roadway Access

Primary roadway access to the project site is provided by Ranch Drive and McCarthy Boulevard. McCarthy Boulevard is an arterial that provides a regional connection to Calaveras Blvd/State Route 237/Interstate 880 to the south as well as Dixon Landing Road and Interstate 880 to the north.

Public Transit Service

The project site is serviced by the Santa Clara Valley Transit Authority (VTA) bus and light rail service. There is an existing VTA bus stop near the north Ranch driveway entrance. This VTA bus stop is serviced by Bus Route 47 that links to industrial campuses, Milpitas Square, and the Tasman Light Rail Station to the south and Route 825, which is a commuter route that serves both the Altamont Commuter Express and Amtrak Capitol Corridor. If the project is approved, the applicant proposes to improve the existing bus stop with a new bus shelter pad as part of the project. Staff recommends as a condition of approval, that the applicant shall obtain necessary approvals for the installation of this improvement prior to building occupancy.

Bicycle Facilities

There is a bike lane along North McCarthy Boulevard that extends from the South Ranch Drive and North McCarthy Boulevard intersection to Dixon Landing Road. Additionally, there is a bike route that runs along Ranch Drive and continues southbound down South McCarthy Boulevard. Currently, there are existing bicycle racks that were installed as part of the original development. The project proposes to replace and upgrade the existing bicycle racks with 15 new bicycle parking spaces that are located under the proposed metal canopy. Staff recommends as a condition of approval, that prior to building permit issuance; the plans shall provide detail and specifications on new bicycle racks.

Pedestrian Circulation

According to the Site Plan (Sheet SP-1), existing pedestrian circulation is provided by a public sidewalk located on the east and west side of North McCarthy Boulevard and along the northern leg of Ranch Drive and a concrete walkway along the south and east building perimeter. The project proposes new pedestrian pathways to enhance pedestrian connectivity. The applicant proposes new decorative paving crosswalks with striping at the store entrances. Two new striped pedestrian crossings are proposed at the north and south end of the parcel. One is located near the north Ranch Drive driveway entrance that would provide a pedestrian connection from the public sidewalk on Ranch Drive to the concrete walkway that leads to the store entrances. The second pedestrian crossing is located along the main drive aisle on the south side of the site. The new pedestrian pathway would provide a connection from the parking field on the south side to the store entrances. To further enhance the pedestrian connection with the surrounding development, staff recommends the following conditions of approval:

- The applicant shall work with the adjacent property owner to obtain permission for the design and construction of striped pedestrian crossing and associated median and/or ramp modifications at the shared driveway for McCarthy Ranch Marketplace and Walmart entrances.
- Prior to building permit issuance, the applicant shall obtain design approval and bond for all necessary public improvements along Ranch Drive, including but not limited to the installation of new pedestrian crosswalk, pedestrian-flashing warning signals, new mid block ramp, signage, striping, and installation of new median as shown on Engineering Services Exhibit “S” attached to this application.

Parking

The site consists of surface parking areas that flank the building of the north, west, and south side. Currently there are 835 standard parking spaces. The proposed building expansion and accessibility upgrade would remove 56 parking stalls. The build out of the project would provide 780 on-site standard parking spaces. Based on Milpitas Parking Ordinance (Section XI-10-53), 751 parking spaces are required based on a parking ratio of one parking space per 200 square feet of Gross Floor Area (GFA). The project also contemplates a medical clinic use within the proposed building expansion. The size of the medical clinic has not been determined. However, the medical clinic use is a permitted use in the General Commercial district and is parked at a ratio of 1/225 square feet of GFA which requires less parking than retail.

Landscaping

The site is developed with existing landscaping that includes 199 ornamental trees consisting of Loquat, Crape Myrtles, Olive, Lone Plane, Aristocrat Pear, African Sumac, and Brisbane Box trees. The project proposes to remove and replace 38 trees with 39 new 24-inch box trees to accommodate the building expansion and parking lot modifications. The project proposes replacement trees consisting of Loquat and Brisbane Box trees. Trees that are proposed for removal consist of Loquat, Aristocrat Pear, and Brisbane Box trees, based on the tree survey on Sheet L-3 of the project plans (Attachment C). Per Milpitas Municipal Code X2-7.01-1(b), all trees which have a 37-inch or greater circumference of any trunk measured 4 ½ -feet from the ground and located on developed commercial or industrial property are considered a protected tree. The proposed trees that are to be removed have trunks measuring less than the 37-inches and therefore are not considered protected trees.

Grading and Drainage

A portion of the existing parking lot located at the south parking field will be removed to accommodate the proposed expansion of the building. The asphalt surface over the remaining parking aisle will need to be removed and replaced to allow for relocation and installation of new planters that will be incorporated to provide storm water treatment opportunities for the new impervious surface areas and to be consistent with storm water run-off regulations.

Building Addition

The project proposes an 18,457 square foot addition that would increase the total floor area to 150,182 square feet (including the existing 5,335 square foot outdoor garden center). The expansion proposes to allocate part of the new square footage for food sales, support areas, replace the main entry with a new vestibule area and to add an additional loading dock space. Proposed floor changes are summarized in the table below:

Table 2.

Summary of Proposed Floor Plan Changes

	Existing	**Proposed**	**Change**
General Merchandise	101,069 sq. ft.	87,007 sq. ft.	(14,062) sq. ft.
Food Sales Area	0 sq. ft.	23,191 sq. ft.	23,191 sq. ft.
Storage and Receiving Areas	18,407 sq. ft.	28,415sq. ft.	10,008 sq. ft
Tire and Lube Express	5,170 sq. ft.	5,170 sq. ft.	0 sq. ft.
Fast Food Tenant	1,744 sq. ft.	1,064 sq. ft.	(680) sq. ft.
Building Total without Garden Center	**126,390 sq. ft.**	**144,847 sq. ft.**	**18,457 sq. ft.**
Outdoor Garden Center	5,335 sq. ft.	5,335 sq. ft.	0 sq. ft.
Total Area	**131,725**	**150,182**	**18,457**

Façade Improvements

The project proposes to update and revitalize the building exterior to provide design continuity with the McCarthy Ranch Marketplace and its "California Ranch" theme. The proposed building modifications include:

- A new enhanced entry feature is designed with a "salt box" style metal roof and painted stucco walls, which also allows for the cart storage area to be hidden from the public view by the same building materials.
- New vertical columns are proposed on all elevations on the building. The columns are constructed with countrylane faux (fiber cement) siding that provides architectural continuity with the California Ranch style as well as adds visual interest to helps break up the existing concrete walls that are otherwise unarticulated.
- New metal trellises consisting of a translucent panel system canopy and concrete masonry block posts are added along the main entrance and along the garden center entrance which provides a visual connection for all the major architectural elements.
- A new large planting area is added to the mid section of the building creating a natural element that adjoins the identity wall and provides a shaded seating area for pedestrians.
- The existing fence is replaced with a new black metal fencing with a security fence fabric.

- The entire building is newly painted with earth tone tans and browns that are compatible with the Irvine Campus located to the immediate north and neutral with the McCarthy Ranch Marketplace to the south. The proposed color blocking also helps minimize the massing of the building and appearance of bulk.

Signage

The project proposal includes replacement of existing signs with Walmart's new branding. The project proposes individual pan channel letter signs. The primary Walmart sign will be internally illuminated, while other subsequent wall signs will not be illuminated. All the letters will have white sign face and the Walmart logo (stylized spark) will be yellow will be compatible with the new color scheme and building architecture. Based on MMC XI-30-3.02 (a), the maximum allowable sign area is 2,806 square feet based on public street frontage. The project proposes a sign area of 512.63 square feet, well within the total allowable sign area. Conformance with the total allowable sign area is demonstrated in the following table:

Table 3:
Sign Area Calculations

Sign ID	Sign Copy	Dimensions	Total
A (illuminated)	Walmart *	8'x37'-3"	298
B (non-illuminated)	Market & Pharmacy	3'-5"x29'-8 ½"	102.74
C (non-illuminated)	Outdoor Living	3'-4 15/16" x22'-7 15/16"	77.31
D (non-illuminated)	Tire & Lube	2'-0"x13'-6 5/8"	27.10
E (non-illuminated)	Tire	1'-0"x2'-3 3/8"	4.56
F (non-illuminated)	Lube	1'-0"x2'-11"	2.92
Proposed Sign Area			**512.63**
Total Allowable Sign Area			**2806.3**

Sustainability Features

The proposed expanded area will utilize sustainable features such as skylights that are equipped with auto dimming sensors, light dimmers that will dim to 65% illumination during late night hours, energy efficient HVAC units, recycled building material, water-conservation fixtures, ozone-friendly refrigerants, and a new energy saving cool white roof will be installed as part of the overall renovations of the building.

Modifications to the existing store operations

In addition to the above site improvements, the applicant also proposes an amendment to the existing conditional use permit to allow for sale of groceries and all types of alcohol. The applicant proposes to extend store hours to operate on a 24-hour, seven days a week basis, but limiting the alcohol sales to 2AM in accordance with state law.

Grocery Sales

The applicant requests an amendment to expand their existing sales of refrigerated and frozen food convenience items that was approved with Conditional Use Permit No. UA2004-18 in January 2005 to include the sale of grocery items such as fresh produce, meats, and poultry. The proposed grocery sales area would occupy approximately 23,191 square feet of building. A conditional use permit is required for grocery stores that are within 1,000 feet from any residential use as per MMC XI-10-5.02-1.

Alcohol Sales

In addition to the grocery sales, the applicant proposes the sale of all types of alcohol. The project is located in census tract number 5046.02, which has authorized three permits for on-sale, and two permits for off-sale. Currently, the City has 26 active on-sale permits, with no pending on-sale permits, one active off-sale permit, and one pending off-sale permit (Walmart). The proposed alcohol sales do not fall within an over concentration area for liquor license according the Alcoholic Beverage Control. The sale of alcoholic beverages will be an accessory use to the sale of food, and is customarily found in grocery stores.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Based on the environmental assessment, an Environmental Impact Report (EIR) was required for the environmental clearance of the proposed project.

The EIR identifies the potential for significant effects on the environment from the development of the project, but most effects can be substantially reduced through the implementation of mitigation measures. The draft EIR was circulated for public review between November 5 and December 21, 2009. Staff reviewed all comments received regarding the draft EIR during the review period and prepared written responses on the environmental issues raised by the commenter. The comment letters, written responses and any revisions to the draft EIR that resulted from the responses are contained in the Final EIR (FEIR). The draft and final EIR together constitute the EIR for the proposed project. The FEIR was made available for public review on February 18, 2010.

The two significant issues related to the project proposal include potential traffic impacts and the potential for urban decay impacts. The traffic impacts and urban decay impacts are discussed in Section 4.10 and 4.11 of the EIR. The sections below summarize staff's analysis and conclusions.

Traffic

Project impacts on intersection operations, roadway operations, and capacity were analyzed in the EIR. Based on the conclusions of the EIR, the following mitigation measures will be required to offset operational deficiencies that would occur under the project conditions.

- MM TRANS-1a: Prior to the issuance of building permits, the project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N.Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of $31,960 ($3,000 for the intersection improvement and $28,960 for the roadway widening). The fees will go towards the following intersection improvements: 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035.

- MM TRANS-1b: Prior to the issuance of final certificate of occupancy, the project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of $2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy.

Furthermore, the EIR concluded that the project will cause a significant and unavoidable impact because the project will contribute trips to four roadway segments on McCarthy Boulevard that are expected to operate at unacceptable levels in the year 2030. Although all four segments would operate at unacceptable levels without the proposed project, the proposed project would increase the traffic volumes by more the one percent of the roadway's capacity, which is considered a significant impact. The mitigations listed below are proposed to reduce the impacts; however, the proposed improvements may not fully mitigate the impact to a level of less than significant therefore traffic impacts to McCarthy Boulevard are considered significant and unavoidable and thus require the City to adopt overriding considerations. The required findings for the Statement for Overriding Considerations are found in Exhibit B attached to the Planning Commission Resolution No. 10-016.

- MM TRANS-3: Prior to issuance of building permits, the project applicant shall provide a traffic management fee in the amount of $180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be fully funded by funds collected shall include:

    - McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-striped to provide two left-turn lanes and one shared through/right lane.
    - McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right turn lanes for the westbound approach.
    - Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern Walmart driveway to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection.

Urban Decay

As a part of the EIR, an urban decay analysis was conducted to evaluate if the project would result in physical deterioration that substantially impairs the proper utilization of affected real estate or the health, safety, or welfare of the surrounding community. Physical deterioration includes abnormally high business vacancies and abandoned buildings and commercial sites that may lead to blight-like conditions in an area.

The study concluded that the project is not anticipated to cause closure of any competing grocery stores either within the market area that covers portions of south Fremont and north San Jose and Milpitas or outside of the market area because there are no discount grocery stores like the proposed project within the market area or within a reasonable distance of the market area. Conventional grocery stores such as Save-mart located in the Calaveras Plaza may experience negative sales impact, however, sales diversion attributable to the Walmart expansion would not be significant enough to cause store closure. Furthermore, other grocery stores such as ethnic or upscale stores of Marina Foods or Safeway, cater to

market niches that have minimal or no overlap with the discount orientation of Walmart or are located far enough in distance from the project site to be negligibly impacted.

The analysis also looked at potential cumulative urban decay impacts that include the proposed project along with other planned or approved projects. The study concluded that one or more grocery stores may be at risk of closure under the cumulative scenario, but the impact would be considered less than significant because local grocery stores have the benefit of being conveniently located to nearby residential areas which likely minimizes the amount of lost sales. Although the study identified Save-mart as a grocery store at risk of closure, it is only at risk under the cumulative scenario which assumes all planned or approved projects within the market area of the Milpitas Walmart are developed.

Based on the EIR analysis, the proposed project would generate $12.4 million in food sales within the market area. Accordingly, $3.5 million of the $12.4 million is projected to be diverted sales from other existing outlets, equating to 1.2 percent of total food sales in the market area. The report anticipates that the diverted sales would be a less than significant impact because the diverted sales would be offset by new demand from household growth generated from residential development within the market area. Moreover, the negative sales impact is spread among a number of stores, such that the decline in sales would not be severe enough to cause store closure.

The urban decay study concludes that the project is unlikely to cause urban decay or physical deterioration because in general there are low vacancies within the market area. The low vacancy also indicates the market area's stable performance and ability to backfill vacancies. Diverted sales would be offset by new housing. Under the cumulative scenario, the project may result in one potential store closure assuming all other projects in the market area are developed as planned.

Mitigation Monitoring and Report Program (MMRP)
The mitigation measures required to reduce the impacts to a less than significant level are included as a part of the Mitigation, Monitoring and Reporting Program. This program identifies the required mitigation measures, the city department responsible for ensuring compliance, and timing of the mitigations measures.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan
The General Plan Consistency Analysis is provided in the Environmental Impact Report. Table 4 below is an abbreviated summary and mainly highlights consistency with major policies for this project.

Table 4
General Plan Consistency

Policy	Consistency Finding
Principle 2.a-G-1 *Maintain a land use program that balances Milpitas regional and local roles by providing for a highly amenable community environment and a*	**Consistent.** The project is located within the McCarthy Ranch Marketplace Shopping Center, which serves as a regional shopping destination given its proximity to I-880 and SR-237. Proposed grocery sales are consistent with purpose and intent of the General Commercial in that the project affords a

Policy	Consistency Finding
thriving regional industrial center.	pleasant shopping environment and convenience. The land use would be compatible with the neighboring commercial and office uses.
Implementing Policy 2.a-I-3 *Encourage economic pursuits which will strengthen and promote development through stability and balance.*	**Consistent.** The project would add new employment opportunities and offer convenient access to food and beverages, and general merchandise sales in a safe and secure environment that would promote a stable and balanced economic development and shopping convenience for patrons.
Implementing Policy 2.a-I-5 *Maintains policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social, fiscal and land use constraints.*	**Consistent.** The project consists of an expansion of an existing Walmart Store that would provide convenient food and beverage and general merchandise sales, which provides economic opportunities for Milpitas residents via job or shopping opportunities.
Implementing Policy 2.a-I-6 *Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector.*	**Consistent.** The existing Walmart store would be expanded to offer a "one-stop" shopping experience by adding grocery sales to other services already provided such as optometry services, general merchandise sales, pharmacy, and photo center.
Implementing Policy 2.a-I-7 *Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.*	**Consistent.** The project would provide and expand employment opportunities in Milpitas by providing opportunities for temporary and permanent jobs within the construction and service industries.
Implementing Policy 2.a-I-10 *Foster community pride and growth through beautification of existing and future development.*	**Consistent.** The project would revitalize the existing outdated building with façade and associated site improvements to provide architectural continuity with the adjacent McCarthy Ranch Marketplace retail buildings and decorative amenities such as new metal trellises, bicycle racks, and seating areas.
Guiding Principle 3.a-G-2 *Maintain acceptable service standards for major streets and intersections.*	**Consistent.** As conditioned, the project would implement all feasible mitigation for its traffic impacts.
Implementing Policy 3.a-I-1 *Strive to maintain CMP LOS standards*	**Consistent.** As conditioned, the project would implement all feasible mitigation for its traffic impacts.

Policy	Consistency Finding
and goals for the CMP Roadway System in Milpitas	
Implementing Policy 3.b-I-2 *Require new development to pay its fair share of street and other traffic improvements based on its impacts.*	**Consistent.** As conditioned, the project would install necessary improvements related to the pedestrian crosswalk on Ranch Drive and VTA bus shelter pad as well as pay a fair-share contribution towards traffic improvements.
Guiding Principle 3.d-G-1 *Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes, and routes, and off-street trails.*	**Consistent.** The project would enhance pedestrian connectivity with new pedestrian crosswalks and designated pathways.

Zoning Ordinance
The project is consistent with the Milpitas Zoning Ordinance in terms of land use. Grocery store and alcohol sales are conditionally permitted in the General Commercial Zoning Districts with the approval of a conditional use permit. The addition of groceries and alcohol sales to the existing convenience food sales and general retailing is consistent with the purpose and intent of the General Commercial Zoning district in that the project affords a shopping environment with a range of retail and services necessary to support the daily needs of residents and visitors to Milpitas.

The proposed building expansion and associated improvements conforms to the development standard for the General Commercial Zoning district in terms of development standards and the Milpitas Parking Ordinance (Section 53) requirements as discussed above. The proposed layout of the site and design of the building conforms to all setback, height, and FAR regulations. The proposed modifications to the building exterior provide for architectural compatibility with the adjacent McCarthy Ranch Marketplace and Irvine Business Campus.

The project will not be detrimental or injurious to property, improvements, public health, safety, and general welfare in that the proposed uses are suitable and appropriate at this location given that the existing Walmart store is located in a regional shopping center near employment centers, freeways and future residential development.

The proposed façade improvements provide for an attractive and harmonious development with the use of the California Ranch style architecture and decorative elements, including but not limited to, the countrylane faux sidings, metal trellises, and color blocking that adds articulation and minimizes the perception of bulk and massing.

PUBLIC COMMENT/OUTREACH
Staff publicly noticed the application in accordance with City and State law. In addition, properties within a 1,000-foot were sent notices for the scoping meeting for the preparation of the Environmental Impact Report held on March 17, 2009. As of the time of writing this report, there have been additional

comments from the public regarding the project, other than what has been documented in the FEIR. Those comments are provided in Attachment E for the Planning Commission's review and consideration.

CONCLUSION

The EIR identifies the potential for significant effects on the environment from the development of the project and most of the impacts can be substantially reduced through the implementation of mitigation measures. The EIR has been completed in compliance with CEQA and the CEQA Guidelines and provides an adequate analysis of the potential environmental effects of the project.

Furthermore, as conditioned, the proposed project is consistent with the General Plan and Milpitas Zoning Ordinance in terms of land use, development standards, parking requirements, and sign regulations. The proposed Walmart expansion with the added grocery and alcohol sales would provide additional shopping opportunities to patrons and attractive upgrades to the building and site improvements.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing following public testimony and adopt Resolution No. 10-016 certifying the Environmental Impact Report and adopt Resolution No. 10-017 approving Conditional Use Permit Amendment No. UA09-0002 and Site Development Permit Amendment No. SA09-0003, subject to the conditions of approval.

Attachments:

A. Resolution No. 10-016 (EIR)
B. Resolution No. 10-017 (Entitlements)
C. Project Plans
D. Project Description
E. Comment Letters

RESOLUTION NO. 10-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS CERTIFYING AN ENVIRONMENTAL IMPACT REPORT FOR THE WALMART EXPANSION PROJECT AND ADOPTING RELATED MITIGATION FINDINGS, FINDINGS REGARDING ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, an application has been submitted to expand and alter the existing 131,725-square-foot Walmart store in the McCarthy Ranch Marketplace in Milpitas, California, by a maximum of 19,000 additional square feet, thereby allowing amongst other actions the addition of a new grocery sales area and grocery stockroom space and the reduction of the total number of vehicular parking from 835 spaces to 779 spaces. These actions are collectively referred to as the "Project"; and

WHEREAS, the City determined that an Environmental Impact Report ("EIR") would be required for the Project and circulated a Notice of Preparation dated March 4, 2009 to public agencies and interested parties for consultation on the scope of the EIR; and

WHEREAS, based on the responses to the Notice of Preparation, the City prepared a Draft Environmental Impact Report ("Draft EIR") dated November 5, 2009 (SCH No. 2009032018) which reflected the independent judgment of the City as to the potential environmental effects of the Project. The Draft EIR was circulated for a 45 day public review and comment period, from November 5 to December 21, 2009; and

WHEREAS, City staff reviewed all comments received on the Draft EIR during the public review period and prepared written responses providing the City's good faith, reasoned analysis on the environmental issues raised by the comments. Revisions to the Draft EIR were identified as appropriate. City staff reviewed all written responses to comments and all revisions to the Draft EIR and determined that none of the responses and/or revisions included significant new information requiring recirculation of the Draft EIR pursuant to CEQA Guidelines § 15088.5. The comment letters, written responses to comments and revisions to the Draft EIR are contained in a separately bound Final EIR dated Feburary 18, 2010. The November 5, 2009 Draft EIR and the February 18, 2010 Final EIR both of which are included in the Planning Commission packet and available for public review at the Office of the City Clerk, together constitute the final Environmental Impact Report for the Project pursuant to CEQA Guidelines §§ 15089 and 15132, and reflect the City's independent judgment and analysis on the potential environmental impacts of the Project; and

WHEREAS, the EIR identifies the potential for significant effects on the environment from development of the Project, most but not all of which can be substantially reduced through implementation of mitigation measures; therefore, approval of the Project must include findings regarding mitigation measures and alternatives as set forth in Exhibit A; and

WHEREAS, some of the significant effects identified in the EIR cannot be lessened to a level of less than significant; therefore, approval of the Project must include a Statement of Overriding Considerations as set forth in Exhibit B; and

WHEREAS, the City has prepared a Mitigation, Monitoring and Reporting Program to ensure monitoring and implementation of the mitigation measures set forth by Exhibit C; and

WHEREAS, on March 23, 2010, the Planning Commission held a noticed public hearing on the Project at which time the Commission considered a written staff report, the Draft EIR, written and oral comments on the Draft EIR, the Final EIR, and all other oral and written comments presented to them, and also certification of the EIR, and approval of the Project; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: That the Planning Commission certifies the Final EIR for the Walmart Expansion Project based on the following findings:

A. That the Final EIR for the Project has been completed in compliance with CEQA and the CEQA Guidelines.

B. That the Final EIR was presented to the Planning Commission, which reviewed and considered the information contained therein prior to approving the Project.

C. That the Final EIR reflects the City's independent judgment and analysis on the potential for environmental effects of the Project.

D. That the custodian of the documents and other materials which constitute the record of proceedings for the Project is the City of Milpitas Planning Division located at City Hall, 455 East Calaveras Boulevard, Milpitas, California 95035.

Section 3: That the Planning Commission adopts the Findings set forth in Exhibit A, the Statement of Overriding Considerations set forth in Exhibit B, and the Mitigation, Monitoring and Reporting Program set forth in Exhibit C.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 24, 2010

_____

Chair

TO WIT:
I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on February 24, 2010, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Lawrence Ciardella				
Sudhir Mandal				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Mark Tiernan				
Erik Larsen				

EXHIBIT A

MITIGATION FINDINGS AND FINDINGS CONCERNING ALTERNATIVES FOR THE PROJECT LOCATED AT 301 RANCH DRIVE Milpitas, CA 95035 (APN 22-29-016)

I. STATEMENT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the Commission has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Commission's approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The Planning Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Planning Commission with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

A. Introduction

The EIR prepared for the Project addresses the environmental impacts associated with the expansion of the existing 131,725 square foot Walmart store in the McCarthy Ranch Marketplace within the City of Milpitas, California by a maximum of 19,000 square feet. These findings, as well as the accompanying Statement of Overriding Considerations in Exhibit B of the resolution, have been prepared to comply with the requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

B. Project Objectives and Description

1. Project Objectives

The following are the Project objectives:

- Positively contribute to the local economy.
- Enhance commercial retail opportunities available in the City of Milpitas.
- Create new job opportunities for local residents.
- Expand the existing Walmart store to provide the market area with an affordable shopping alternative that offers a wide variety of products to the City of Milpitas as well as the surrounding communities.
- Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
- Promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan.
- Generate tax revenues to accrue to the various agencies within the Project area.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.

(Draft EIR, pp. 2-1 to 2-2.)

2. Project Description

The approximately 14.56-acre Project site is located at 301 Ranch Drive within the incorporated City of Milpitas, on Santa Clara County Assessor's Parcel Number 022-29-016. Walmart proposes to expand the existing 131,725 square foot Walmart store by 18,457 square feet. For purposes of providing a conservative evaluation of Project impacts, the EIR analyzed the additional square footage at 19,000 square feet. The building expansion would mainly consist of the enlargement of the existing store to the south. This would include the addition of a new grocery sales area and grocery stockroom space. The existing store has 835 vehicular parking spaces. The store expansion would eliminate a number of existing spaces on the south side of the building and reduce the total number of vehicular spaces to 779. (Draft EIR, pp. 3-1 to 3-12.)

C.

EXHIBIT A

Record of the Proceedings

The record of proceedings for the Planning Commission's decision on the Project includes, but is not limited to, the following documents:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- The Draft EIR for the Project (November 5, 2009) and technical appendices;
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the Draft EIR and technical appendices (February 19, 2010);
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR or Final EIR;
- The City of Milpitas General Plan, Zoning Code, and any other relevant City planning documents;
- All documents submitted to the City (including to the Planning Commission) by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on March 24, 2010;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The official custodian of the record is the City of Milpitas City Clerk, 455 E. Calaveras Boulevard, Milpitas, California 95035.

The Planning Commission has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Commission or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the Planning Commission was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the Commission's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. Planning Commission of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

D. Findings Required Under CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. Planning Commission* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its

"unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, *supra*, 52 Cal.3d at p. 576.)

These findings constitute the Planning Commission members' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Commission adopts a resolution approving the Project.

E. Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) was prepared for the Project and was approved by the Planning Commission by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

F. Effects Found Not to Be Significant

Based on the discussion in Section 7 of the Draft EIR, and other supporting information in the record, the Planning Commission finds that the Project would have no impact associated with the specific issues identified below.

1. Aesthetics, Light, and Glare

The Project would not adversely affect views of any scenic features.

The Project would not adversely affect views from a state scenic highway or a Scenic Corridor. (Draft EIR, p. 7-1.)

2. Agricultural Resources

The Project would not result in the loss of Important Farmland or the conversion of Important Farmland to non-agricultural uses.

The Project would not conflict with existing zoning for agricultural use nor is the Project site eligible for a Williamson Act contract.

The Project would not include other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses. (Draft EIR, p. 7-2.)

3. Biological Resources

The Project would not cause adverse impacts to sensitive natural communities or riparian habitat.

The Project would not cause adverse impacts to wetlands or jurisdictional features.

The Project would not cause adverse impacts to wildlife or fish movement or nursery sites.

The Project would not conflict with a habitat conservation plan or natural community conservation plan. (Draft EIR, pp. 7-2 to 7-3.)

4. Cultural and Historic Resources

The Project would not adversely affect historic resources.

The Project would not adversely affect archaeological resources.

The Project would not adversely affect paleontological resources.

The Project would not adversely affect human remains or burial sites. (Draft EIR, pp. 7-3 to 7-4.)

5. Geology, Soils, and Seismicity

No septic or alternative wastewater disposal systems would be installed as part of the Project. (Draft EIR, p. 7-4.)

6.

Hazards and Hazardous Materials

The Project would not expose schools within a 0.25-mile radius of the Project site to hazardous materials.

The Project would not expose persons residing or working in the Project vicinity to aviation hazards.

The Project would not expose persons residing or working in the Project area to aviation hazards associated with private airstrips.

The Project would not expose persons or structures to wildland fire hazards. (Draft EIR, pp. 7-4 to 7-5.)

7. Hydrology and Water Quality

The Project would not be exposed to 100-year flood hazards and would not locate structures within such a flood hazard area.

The Project site would not be inundated by floodwaters as a result of levee or dam failure.

The Project site would not be inundated by seiches, tsunamis, or mudflow. (Draft EIR, pp. 7-5 to 7-6.)

8. Land Use

The Project would not divide an established community.

The Project would not conflict with the provisions of a habitat conservation plan or natural community conservation plan. (Draft EIR, p. 7-6.)

9. Mineral Resources

The Project would not result in the loss of a mineral resource of statewide or local importance. (Draft EIR, p. 7-6.)

10. Noise

The Project would not expose persons residing or working in the Project vicinity to excessive aviation noise. (Draft EIR, p. 7-6.)

11. Population and Housing

The Project would not induce substantial population growth.

The Project would not result in the displacement of persons or housing. (Draft EIR, p. 7-7.)

12. Public Services and Utilities

The Project would not cause school enrollment growth to occur.

The Project would not create a need for new or expanded park facilities.

The Project would not create a need for new or expanded libraries or other public facilities. (Draft EIR, p. 7-7.)

13. Recreation

The Project would not result in the need for new or expanded recreational facilities.

The Project would not cause physical deterioration of existing recreational facilities from increased usage. (Draft EIR, p. 7-8.)

14. Transportation

The Project would not alter air traffic patterns. (Draft EIR, p. 7-8.)

G. Less Than Significant Impacts Without Mitigation

Based on the Final EIR and the record, the Planning Commission finds that the Project would have less than significant environmental impacts associated with the specific issues identified below, as addressed in the EIR.

1. Air Quality

a. Impacts

Impact AIR-2: Carbon Monoxide Hotspots: The Project would not significantly contribute to a carbon monoxide hotspot that would exceed federal or state air quality standards. The Project's local carbon monoxide concentrations were estimated for peak hour traffic at roadway segments most affected by the Project. The estimated 1-hour and 8-hour average carbon monoxide concentrations at buildout in combination with background concentrations are below the state and national ambient air quality standards. No carbon monoxide hotspots are anticipated as a result of traffic-generated emissions by the Project in combination with other anticipated development in the area. Therefore, the impact is less than significant. (Draft EIR, pp. 4.2-31 to 4.2-33; see also Draft EIR, Appendix B.)

Impact AIR-4: Toxic Air Contaminants: The Project would not expose sensitive receptors to substantial levels of toxic air pollutant concentrations. The Health Risk Assessment prepared for the Project concluded that the Project (specifically, the operation of diesel trucks associated with the Project) would not expose sensitive receptors or the general public to diesel emissions or toxic air contaminant concentrations that exceed the Bay Area Air Quality Management District ("BAAQMD") thresholds of 10 cancers per million or 1.0 on the Hazard Index. Also, the Project would not conflict with the guidance established in the California Air Resources Board ("CARB") "Air Quality and Land Use Handbook: A Community Health Perspective" because the Project does not involve the siting of sensitive receptors nor does the Project include a source of toxic air contaminants identified in the handbook. Furthermore, the

health effects to the nearby sensitive receptors from the Project's emissions of diesel particulate matter ("DPM") would be less than significant because of the distance between the Project and the sensitive receptors, the quantities of the emissions would be minimal, and the emissions of DPM during construction would be short-term in duration. Therefore, the impact is less than significant. (Draft EIR, pp. 4.2-42 to 4.2-45; see also Draft EIR, Appendix B.)

Impact AIR-5: Odors: The Project would not create objectionable odors affecting a substantial number of people. The Project would not contain any uses that would create objectionable odors. Diesel exhaust and volatile organic compounds ("VOCs"), which are objectionable to some, would be emitted during Project construction, however, emissions would disperse rapidly and, therefore, should not be at a level to induce a negative response. There are several land uses associated with odor near the Project site including: (1) the San Jose/Santa Clara Water Pollution Control Plant, a wastewater treatment plant, which has implemented a Best Management practices plan to control generation of odors; (2) the Zanker Road Landfill/Compost Facility, which is required to implement Best Available Control Technology for emissions of odorous substances; and (3) the Calpine Los Esteros Critical Energy Facility, a natural gas power plant. Because there were no odor complaints for the Zanker Road Facility or the Energy Facility over the most recent 3-year period available, and because there were less than 3 unconfirmed complaints per year averaged over the most recent three-year period for the Water Pollution Control Plant, the impact is less than significant. (Draft EIR, pp. 4.2-45 to 4.2-50; see also Draft EIR, Appendix B.)

Impact AIR-6: Naturally Occurring Asbestos: The Project would not significantly impact receptors by disturbing naturally occurring asbestos. Based upon a review of a map showing areas more likely to have rock formations containing naturally occurring asbestos in California, the Project site is not in an area that is likely to contain naturally occurring asbestos. Furthermore, soils underlying the Project site predominantly consist of engineered fill and other non-native materials. This condition would preclude the potential for any naturally occurring asbestos to be present onsite. Therefore, the impact is less than significant. (Draft EIR, pp. 4.2-50 to 4.2-51; see also Draft EIR, Appendices B and D.)

Impact AIR-8: Climate Change Effects: The Project would not be subject to significant adverse effects as a result of global climate change. Public health effects that higher temperatures may cause would not significantly impact the Project since the Project would include high-efficiency HVAC units that would maintain a comfortable interior temperature for customers and employees. The Project would also not be susceptible to flooding from sea level rise given its elevation or to wildfires given its location in a built urban environment. Finally, the City, which obtains its water from the Santa Clara Valley Water District, supplies the existing store with potable water and has indicated that it has enough water supplies to serve the Project and that this connection would be maintained by the Project. Furthermore, the Project consists of a commercial retail project, a type of land use that is not considered water-intensive. For these reasons, the Project would not be adversely affected by potential changes in water supply attributable to climate change. Therefore, the impact is less than significant. (Draft EIR, pp. 4.2-68 to 4.2-73; see also Draft EIR, Appendix B.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to air quality related to carbon monoxide hotspots, toxic air contaminants, odors, naturally occurring asbestos and climate change effects.

2. Geology, Soils, and Seismicity

a. Impacts

Impact GEO-3: Unstable Geological Units or Soils: The development of the Project would not expose persons or structures to hazards associated with unstable geologic units or soils. The deep-surface soils beneath the Project site consist of approximately 300 feet of alluvium, a very stable geologic unit. Near the surface, the sub-surface soil profile consists of materials that are suitable to support the Project. Moreover, the Project site is in a developed state consisting of a paved parking area and was previously graded and soil engineered as part of the development of the existing Walmart store in the early 1990s. Accordingly, the development of the Project would not expose persons or structures to hazards associated with unstable geologic units or soils and impacts would be less than significant. (Draft EIR, pp. 4.4-12 to 4.4-13; see also Draft EIR, Appendix D.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to geology, soils, and siesmicity related to unstable geologic units or soils.

3. Hazards and Hazardous Materials

a. Impacts

Impact HAZ-1: Past and Present Site Usage: The development of the Project would not result in the exposure of persons or the environment to hazardous materials associated with past and current uses of the Project site. There are no recognized environmental conditions (including known contamination from spills or leaks of hazardous materials; the presence of asbestos, lead, PCBs, mercury, or CFCs in materials or equipment; or naturally occurring radon in the soil) on the Project site that would affect the development of the Project and the Project site is not located on a list of hazardous waste materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the Project would not be susceptible to hazardous materials or contamination associated with the past or present uses of the Project site. Furthermore, there are no recognized environmental conditions in the Project vicinity (including leaking underground storage tanks and pesticides) that would affect the development of the Project. Although the nearby San Jose/Santa Clara Water Pollution Control Plant treatment uses 19 percent aqueous ammonia (a hazardous material) in its treatment process, even under the worst-case offsite release scenario the Project site would not be within the zone of vulnerability for such a release. Accordingly, the Project would not be susceptible to an accidental release of aqueous ammonia from the San Jose/Santa Clara Water Pollution Control Plant. Therefore, the Project would not be susceptible to hazardous materials or contamination associated with the past or present uses of

surrounding land uses and impacts would be less than significant. (Draft EIR, pp. 4.5-13 to 4.5-14; see also Draft EIR, Appendix E.)

Impact HAZ-2: Risk of Upset/Routine Transport, Use, or Disposal of Hazardous Materials: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset or accident conditions. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Mitigation Measure HYD-1 requires the applicant to implement a Stormwater Pollution Prevention Plan ("SWPPP") during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, no significant impacts would occur during construction activities. Small quantities of hazardous materials would be used onsite and the transport of these materials would be performed by commercial vendors that would be required to comply with various federal and state laws regarding hazardous materials transportation. Therefore, the impact is less than significant. (Draft EIR, pp. 4.5-14 to 4.5-15.)

Impact HAZ-3: Emergency Response and Evacuation: The Project site is located on a commercial corridor in an area where existing emergency response times for fire protection, emergency medical services, and police protection meet adopted standards. Moreover, both the Milpitas police and fire departments have indicated that the Project would not impair their ability to respond to emergencies at the Project site or in other parts of the community. In addition, the Project does not include any characteristics that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. Therefore, the Project would not impair or obstruct emergency response or evacuation and impacts would be less than significant. (Draft EIR, p. 4.5-15.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to hazards and hazardous materials related to past and present site usage, the risk of upset/routine transport, use, or disposal of hazardous materials and emergency response and evacuation.

4. Hydrology and Water Quality

a. Impacts

Impact HYD-2: Groundwater: The Project does not have any characteristics that would contribute to groundwater overdraft or contamination. The Project would not contribute to groundwater overdraft because the City potable water system would serve the Project and the Public Works Department has indicated that it can serve the Project from existing supplies. In addition, the Project would not involve activities that could potentially contaminate groundwater – including the installation of underground storage tanks or the handling of bulk quantities of hazardous liquid materials. Also, the Project will not affect groundwater recharge because the Project site is not used for such activities. Therefore, impacts on groundwater would be less than significant. (Draft EIR, p. 4.6-11.)

Impact HYD-3: Drainage: The Project would not increase impervious surface coverage and, therefore, would not have the potential to contribute to downstream flooding. The footprint of the Project is located on a parking lot that is drained by the existing storm drainage system serving the Project site. The existing drainage infrastructure would be modified to accommodate the expansion; however, the system itself would not need to be upsized to provide additional capacity because the store expansion would not increase the amount of impervious surface coverage onsite. Accordingly, the Project would not increase the amount of runoff leaving the Project site and, therefore, it would not have the potential to contribute to downstream flooding conditions. Impacts would be less than significant. (Draft EIR, p. 4.6-11.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to hydrology and water quality related to groundwater and drainage.

5. Land Use

a. Impacts

Impact LU-1: General Plan Consistency: The Project would be consistent with all applicable General Plan principles and policies, including the requirements of the applicable land use designation. The Milpitas General Plan designates the Project site as General Commercial, which is intended for retail uses. The Project would serve as a general retail store with groceries, and would serve the surrounding population both within and outside the City and thus would be consistent with allowed uses of the General Commercial land use designation. The expanded store would total 150,725 square feet, which would be within the General Plan's maximum floor

area ratio of 0.50. Therefore, the impacts would be less than significant. (Draft EIR, pp. 4.7-10 to 4.7-23.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to land use related to General Plan consistency.

6. Noise

a. Impacts

Impact NOI-1: Construction Noise: Construction activities associated with the Project would not expose nearby land uses to excessive noise levels. Construction noise and vibration represent a short-term increase in ambient noise and vibration levels created by the transport of workers and movement of construction materials to and from the Project site, or from the noise generated onsite during ground clearing/excavation, grading, and building construction activities. The closest noise-sensitive land uses are office buildings and single-family residences as close as 460-feet east of the Project site. Although these nearby sensitive receptors may be impacted somewhat by construction noise and vibration, the impacts would not exceed either the City standards of a noise increase of 3.0 dB or more or a maximum noise level of 65 dB. In addition, construction activities are subject to the requirements of the Milpitas Municipal Code, which limits the hours of construction activities. Furthermore, while a school is located approximately 0.3 mile to the east of the Project site, because of this distance, no noise impacts are anticipated. Therefore, construction noise impacts to nearby sensitive receptors would be less than significant. (Draft EIR, pp. 4.8-30 to 4.8-32; see also Draft EIR, Appendix F.)

Impact NOI-2: Construction and Operational Vibration: Nearby sensitive receptors would not be exposed to substantial vibration. The primary sources of vibration during Project construction would be from bulldozers and excavators. Project construction activities would cause vibration levels below the 0.2-inch-per-second significance threshold at the nearest sensitive receptors. Project operations (primarily from delivery truck operations) would also result in vibration levels below the 0.2-inch-per-second significance threshold at the nearest sensitive receptors. Therefore, the impacts are less than significant. (Draft EIR, pp. 4.8-32 to 4.8-33; see also Draft EIR, Appendix E.)

Impact NOI-3: Roadway Noise: The Project's vehicular trips would not cause a substantial permanent increase in ambient noise levels. The Project would generate additional vehicular trips on roadways in the Project vicinity which would result in motor vehicle noise generated by engine vibrations, the interaction between tires and the road, and the exhaust system. However, the noise analysis concluded that the noise associated with traffic from the Project would not exceed the thresholds of significance; therefore, no significant, long-term offsite noise impacts from Project-related vehicle noise would occur along the study area roadways segments under both baseline and future conditions. Therefore, the impact is less than significant. (Draft EIR, pp. 4.8-33 to 4.8-41; see also Draft EIR, Appendix F.)

Impact NOI-4: Stationary Noise: The Project would not generate stationary noise levels that cause significant impacts at nearby receptors. The Project would have potential stationary noise impacts on the nearby residences from the proposed rooftop HVAC units, the trash compactor, the truck loading area, parking lot areas, and onsite vehicular traffic. However, the noise analysis concluded that there would be no increase over the existing noise levels at any of the nearby sensitive receptors and that the Project noise levels at nearby rural residential areas would actually decrease by 0.4 dBA over existing noise levels because of additional noise shielding provided by the Project from Interstate 880, which is the primary noise source in the Project vicinity. Therefore, no significant stationary noise impact would be anticipated to occur at any of the nearby sensitive receptors, even taking into account the 24-hour operations that would result from the Project. Moreover, other sound events on the Project site (primarily caused by delivery truck and car doors slamming, landscaping equipment usage, parking lot sweepers, and shopping cart movements) would be infrequent, intermittent, and localized, and would not represent a substantial contribution to ambient noise levels. Accordingly, it can be reasonably concluded that these types of noise sources associated with the Project would not expose nearby receptors to excessive noise levels. Therefore, impacts would be less than significant. (Draft EIR, pp. 4.8-41 to 4.8-42; see also Draft EIR, Appendix F.)

Impact NOI-5: Combined Stationary and Transportation Noise: The Project would not generate combined stationary and transportation noise levels that cause significant impacts at nearby receptors. The Project's combined transportation and stationary noise impacts would not create a noise increase, even taking into account the 24-hour operations that would result from the Project. Moreover, noise levels at nearby rural residential areas would actually decrease by 0.3 dBA over existing noise levels because of additional noise shielding provided by the Project from Interstate 880, which is the primary noise source in the Project vicinity. Therefore, no significant combined stationary and transportation-related offsite noise impact would occur. (Draft EIR, pp. 4.8-43 to 4.8-44; see also Draft EIR, Appendix F.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to noise related to construction noise and vibration, construction and operational vibration, roadway noise, stationary noise and combined stationary and transportation noise.

7.

Public Services and Utilities

a. Impacts

Impact PSU-1: Fire Protection and Emergency Medical Services: The Project would not adversely impact fire protection and emergency medical services. The Milpitas Fire Department indicated that the Project would not present any significant challenges to providing emergency medical services or fire protection to its service area. This includes impacts to response times, staffing, apparatus, or other resources. Therefore, no new or expanded fire protection facilities would be necessary to serve the Project. Impacts would be less than significant. (Draft EIR, pp. 4.9-12 to 4.9-13; see also Draft EIR, Appendix G.)

Impact PSU-2: Police Protection: The Project would not adversely impact police protection. The Milpitas Police Department indicated that the Project, which would operate 24 hours a day, would not generate any calls for service other than the annual average of 252 calls from the past 4 years. In addition, the Police Department stated that it does not have any other concerns about providing police protection to the Project. This includes impacts to response times, staffing, or other resources. Furthermore, the existing store has a video surveillance system that monitors all interior and exterior areas and is staffed by security personnel who monitor cameras and patrol parking lots. The existing store's parking areas are currently illuminated by freestanding lights and the Project would modify lighting to ensure adequate illumination. Therefore, no new or expanded police protection facilities would be necessary to serve the Project and impacts would be less than significant. (Draft EIR, pp. 4.9-13 to 4.9-14; see also Draft EIR, Appendix G.)

Impact PSU-4: Wastewater: The Project would not result in the need for additional wastewater treatment facilities or offsite conveyance facilities. The Project is expected to result in a 2,340-gallon-per-day increase in wastewater generation, which would continue to be collected by the City of Milpitas via existing sewer lines and directed to the San Jose/Santa Clara Water Pollution Control Plant. Because the Project would not exceed the allowable floor area ratio for the Project site, the increased effluent generation attributable to the store expansion would not adversely impact the sewer system or treatment plan capacity. As such, no additional wastewater treatment or offsite conveyance facilities would be needed as a result of the Project and impacts would be less than significant. (Draft EIR, pp. 4.9-15 to 4.9-16.)

Impact PSU-5: Storm Drainage: The Project would provide adequate onsite storm drainage facilities and would not require the construction of offsite facilities. The footprint of the Project contains a parking lot that is drained by the existing storm drainage system serving the Project site. The existing drainage infrastructure would be modified to accommodate the Project; however, the system itself would not need to be upsized to provide additional capacity because the Project would not increase the amount of impervious surface coverage onsite. Accordingly, the Project would not increase the amount of runoff leaving the Project site; therefore, it would not require new or expanded offsite storm drainage facilities. Impacts would be less than significant. (Draft EIR, pp. 4.9-16 to 4.9-17.)

Impact PSU-7: Energy: The Project would not cause the need for additional natural gas or electrical energy-producing facilities. PG&E currently serves the existing

Walmart store with electricity and natural gas and would continue to serve the expanded store. The Project is anticipated to increase electricity usage by 310,000 kilowatt hours annually and increase natural gas usage by 1.11 million cubic feet annually. PG&E indicated that it had available electricity and natural gas supplies with appropriate transmission capacity to serve the Project.

Neither the construction or operation of the Project, nor the building itself would result in the inefficient, unnecessary, or wasteful consumption of energy. The Project would not necessitate the use of a large construction fleet or non-standard equipment and construction fuel assumptions associated with the Project would be similar to those of other, comparable construction sites in the region. In addition, the Project would provide a one-stop shopping destination within an existing regional shopping center node and nearby regional employment centers. Accordingly, the construction and vehicular fuel consumption associated with the Project would not result in inefficient, unnecessary or wasteful consumption of energy.

Moreover, the Project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings, which include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. The incorporation of the 2005 Title 24 standards into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. The Project is anticipated to contain additional energy conservation features (e.g., central energy management system, white roofs and LED signage illumination), that would further ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy.

For these reasons, impacts to energy resources would be less than significant. (Draft EIR, pp. 4.9-19 to 4.9-20 and 6-14 to 6-24; see also Draft EIR, Appendix G.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to public services and utilities related to fire protection and emergency medical services, police protection, wastewater, storm drainage and energy.

8. <u>Transportation</u>

a. Impacts

Impact TRANS-2: Near-Term Freeway Ramp Junction Analysis: The Project would not contribute a substantial number of trips to freeway ramp junctions directly causing unacceptable levels of service under near-term conditions. The Project would contribute up to twelve AM and five PM weekday peak-hour trips to the SR-237 westbound ramp merge, which would account for less than 0.9 percent of the total peak-hour trips on the ramp during the AM and PM weekday peak hours. The Project would contribute up to two weekday PM peak-hour trips to the SR-237 eastbound ramp diverge, which would account for less than 0.2 percent of the total peak-hour trips on the ramp during the weekday PM peak hour. Furthermore, during the weekday PM peak hour, this diverge would perform at an unacceptable level of service, with or

without the Project. The trip increases that would be contributed by the Project are considered nominal increases in ramp volume and, therefore, would not be considered a worsening of the measure of effectiveness. As a result, this impact is less than significant. (Draft EIR, pp. 4.10-64 to 4.10-66; see also Draft EIR, Appendix H.)

Impact TRANS-6: Roadway Safety: The Project's design features would not create any roadway hazards. The Project would maintain the three existing access points to Ranch Drive, all of which have clear lines of sight and are considered safe. Moreover, the Project site provides ample circulation aisles and layout that is generally consistent with driver expectations. While the Project would result in an increase in large delivery trucks (e.g., 18-wheelers) of approximately three trucks per day, the Project's parking and circulation layout provides convenient access to the loading docks and allows the trucks to avoid traversing the parking lot where there is potential for conflicts with most Walmart patrons. In summary, current site access and internal site circulation are appropriate for their intended uses and would not be altered or impacted by expansion of the existing store. The addition of two marked crossing areas and two internal pedestrian walkways would increase existing safety. As such, impacts would be less than significant. (Draft EIR, pp. 4.10-85 to 4.10-86; see also Draft EIR, Appendix H.)

Impact TRANS-7: Emergency Access: The Project would not result in inadequate emergency access to the Project site or its surroundings. The Project would maintain the three existing Ranch Drive access points and two internal access points to the McCarthy Ranch Marketplace. All access points are capable of accommodating large emergency vehicles such as fire engines and ladder trucks and do not contain any potential obstructions to emergency vehicle ingress, such as roundabouts. No changes resulting from Project implementation would obstruct emergency vehicle access. Therefore, the Project would not result in inadequate emergency access to the Project site or surroundings and impacts would be less than significant. (Draft EIR, p. 4.10-86; see also Draft EIR, Appendix H.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to transportation related to near-term freeway ramp junction analysis, roadway safety and emergency access.

9. <u>Urban Decay</u>

a. Impacts

Impact UD-1: Project-Level Urban Decay Impacts: The Project would not divert enough sales from competing businesses to cause store closures and, therefore, would not have the potential to create urban decay conditions. The Project itself is not anticipated to cause closure of any competing grocery stores, either within the market area or outside of the market area. This is primarily attributable to the lack of discount grocery stores within the market area or within a reasonable distance of the market area. Conventional grocery stores in the market area (such as Save Mart in Calaveras Plaza) would likely experience negative sales impacts from the Project; however, the sales diversions attributable to the Project are not anticipated to be significant enough to cause store closure. Other grocery stores cater to market niches that have minimal to no overlap with the discount orientation of Walmart (upscale or ethnic) or are

sufficiently far enough from the Project site to be negligibly impacted by the Project. Therefore, project-level urban decay impacts would be less than significant. (Draft EIR, pp. 4.11-32 to 4.11-52; see also Draft EIR, Appendix I.)

Impact UD-2: Cumulative Urban Decay Impacts: The market area contains many conventional food stores, a few upscale food stores, and an ample supply of ethnic food stores. The one niche missing is discount food stores. Despite the different orientations, all of the food stores in the market area likely serve as neighborhood markets attracting most of their customers from the typical 3-mile radius. The Project would be most competitive with discount grocery stores, of which there are none. However, given the number of cumulative grocery stores planned, sales diversions experienced by the food stores may be high enough to result in one or more store closures. The store most likely to experience the highest impacts because of its proximity and similarity to the Project is the Save Mart in Calaveras Plaza and sales diverted away from the store may be enough to lead to its closure.

Stores in the home furnishings and appliances, apparel, building materials, and "other retail" categories may also experience closures because the cumulative projects planned within and nearby the Project may lead to an oversupply of these categories of retail in the market. The Project will only contribute to impacts in the food stores category. Given the current economic climate, however, it is possible that some of the cumulative projects, especially the those that have not been approved, may not go forward. It is also possible that projects that are developed will take longer to lease up and longer for stores that are leased to reach a level of stabilized sales. This will lessen the impacts and likelihood of store closures in all categories.

Moreover, the economic study conducted for the Project indicated that the retail markets in the Milpitas region are very healthy. When tenants vacate prior to lease expiration, they continue to be responsible for rent and their share of building operating expenses. While not all tenants will have the wherewithal to continue these payments, national retailers (such as Save Mart) are more likely to have this capability. This is an important consideration because landlords will continue to receive income on these vacated spaces, which means they would have available financial resources to continue to maintain their properties. More importantly, city ordinances, such as the City of Milpitas Municipal Code Chapters 202, 203, and 500, require property owners to maintain their properties so as not to create a nuisance by creating a health and safety problem. Enforcement of these ordinances can help prevent physical deterioration due to any long-term closures of retail spaces, which can ultimately lead to urban decay. Also, existing property owners, or buyers, might decide to redevelop empty grocery and retail spaces with other uses, thereby preventing physical deterioration and the threat of urban decay. While the poor economic conditions may limit the rate of growth of these alternate uses, nonetheless the potential will exist, with properties positioned for alternate use when market demands pick up concurrent with the return of economic growth.

Based upon these facts, the Project combined with other projects will not contribute to urban decay in the market area. Therefore, impacts would be less than significant. (Draft EIR, pp. 4.11-32 to 4.11-69; see also Draft EIR, Appendix I.)

b. Finding

The Planning Commission finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to urban decay related to project-level and cumulative impacts.

H. Less Than Significant Impacts With Mitigation Incorporated

The Final EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The Final EIR identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Final EIR, the Project impacts will be less than significant with identified feasible mitigation measures and design standards incorporated into the Project.

1. Aesthetics, Light, and Glare

a. Impact AES-1: *Visual Character: Impact and Mitigation*

Implementation of the Project may substantially degrade the visual character of the Project site or its surroundings. Mitigation Measure AES-1 addresses this potential impact and is as follows:

MM AES-1a: Prior to issuance of building permits, the Project applicant shall prepare and submit a sign program to the City of Milpitas for review and approval. The sign program shall demonstrate compliance with the applicable requirements with Milpitas Municipal Code Title XI, Chapter 30. The approved sign program shall be implemented into the proposed Project.

MM AES-1b: Prior to issuance of grading or building permits, whichever comes first, the Project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted within 30 days of issuance of the final certificate of occupancy.

MM AES-1c: Prior to issuance of the final certificate of occupancy, the Project applicant shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area. (Draft EIR, pp. 4.1-13.)

b. Impact AES-1: *Visual Character: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final

EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact AES-1: *Visual Character: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would upgrade the store's elevations. The elevations would incorporate design features to reflect the "California ranch" design theme of the McCarthy Ranch Marketplace. The upgraded and enhanced elevations would be consistent with the objectives of the Site and Architectural Review Overlay District. The roofline of the Project would range from approximately 18-feet to 35-feet above grade level. Since the Milpitas Zoning Ordinance does not establish any height limitations for the General Commercial zoning district, the Project's height would be consistent with the Ordinance. Building coverage would fall below the maximum floor area ratio in the General Plan and Zoning Ordinance.

MM AES-1a requires the applicant to prepare and submit plans to the City demonstrating that the signage complies with Municipal Code requirements. The implementation of this mitigation measure would ensure that the visual impacts of signage are reduced to a level of less than significant.

The Project would maintain and enhance the existing landscaping onsite. However, the Project would remove several ornamental trees located within the store expansion footprint. Several of these trees may be eligible for protection under the Tree Maintenance and Protection Ordinance. Accordingly, Mitigation Measure AES-1b is proposed requiring compliance with the tree removal and replacement requirements. For trees not eligible for protection under the ordinance, the mitigation measure stipulates that they shall be replaced onsite at no less than a 1:1 ratio with a similar trees species. The implementation of this mitigation measure would ensure that the visual impacts of tree removal are reduced to a level of less than significant.

Finally, shipping containers are currently stored in outdoor areas of the Project site during various times of the year. The Milpitas Zoning Ordinance requires that outdoor storage of materials (e.g., shipping containers) be completely enclosed within a building or behind a visually obscure wall or fence a minimum of 6 feet in height. To bring the Project into conformance with this Zoning Ordinance requirement, Mitigation Measure AES-1c is proposed requiring the Project applicant to either permanently remove shipping containers from the Project site or install screening measures around areas where such containers would be stored. The implementation of this mitigation measure would ensure that the visual impacts of outdoor storage of shipping containers are reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.1-1 to 4.1-14.)

d. Impact AES-2: *Light and Glare: Impact and Mitigation*

Implementation of the Project may result in the addition of new sources of substantial light and glare that would adversely affect daytime or nighttime views. Mitigation Measure AES-2 addresses this potential impact and is as follows:

MM AES-2: Prior to issuance of building permits, the Project applicant shall ensure that all exterior lighting fixtures associated with the Walmart store (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties. (Draft EIR, p. 4.1-14.)

e. Impact AES-2: *Light and Glare: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact AES-2: *Light and Glare: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would largely maintain the locations of the existing light fixtures on the Project site, albeit with the elimination of parking lot lighting in the expansion footprint and the addition of new building-mounted lighting on the store expansion. Although the Project will expand the Walmart store's hours of operation to 24 hours a day, this would not introduce significant new sources of nighttime lighting, because the existing store already employs parking lot lighting and building-mounted lighting that is illuminated during the nighttime, even when the store is closed to the public. Therefore, the Project would not represent the introduction of new sources of nighttime lighting to the Project site.

The Project would upgrade parking lot lighting with fixtures that have the potential to create unwanted spillover effects on surrounding properties. Mitigation is proposed that would require the Project applicant to ensure that all exterior light fixtures are shielded, recessed, or directed downward to prevent light spillage onto adjoining properties. The implementation of this mitigation measure would minimize the amount of light and glare to the ambient environment and, therefore, would ensure that impacts are reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, p. 4.1-14.)

2. <u>Air Quality</u>

a. Impact AIR-1: *Air Quality Plan Consistency: Impact and Mitigation*

Implementation of the Project may conflict with or obstruct implementation of the applicable air quality plan. A mitigation measure addresses this potential impact and is as follows:

See MM AIR-3. (Draft EIR, pp. 4.2-31.)

b. Impact AIR-1: *Air Quality Plan Consistency: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact AIR-1: *Air Quality Plan Consistency: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would be consistent with the allowed uses and development intensity of the General Commercial land use designation. Accordingly, it can be concluded that the Project's uses are consistent with the growth and vehicle miles traveled projections contained in the 2005 Ozone Strategy. Impacts would be less than significant according to this criterion.

As shown in Impact AIR-3, the Project's emissions during construction and operation would not exceed the BAAQMD significance thresholds for ambient air quality standards. However, Mitigation Measure AIR-3 is required to ensure that Project emissions during construction do not cause an exceedance of PM_{10} or $PM_{2.5}$ at a nearby monitoring station. These facts support the City's finding. (Draft EIR, pp. 4.2-30 to 4.2-31.)

d. Impact AIR-3: *Cumulative Increase of Criteria Pollutants: Impact and Mitigation*

Implementation of the Project may result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Mitigation Measure AIR-3 addresses this potential impact and is as follows:

MM AIR-3: The following measures shall be implemented during all construction activities:

- Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day.
- Cover all trucks hauling soil, sand, and other loose materials.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.

- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations.

(Draft EIR, pp. 4.2-41 to 4.2-42.)

e. Impact AIR-3: *Cumulative Increase of Criteria Pollutants: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact AIR-3: *Cumulative Increase of Criteria Pollutants: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Five phases of construction for the Project are anticipated, including demolition, fine site grading, building construction, architectural coating, and paving. Demolition will consist of removing the portions of the building that will be expanded and rebuilt: approximately 241,465 cubic feet and no more than a maximum of 25,530 cubic feet in one day. Fine site grading will consist of grading the building pad after demolition: approximately 147,445 square feet, or 3.4 acres of disturbed area. It is assumed that building construction, architectural coating and paving would be completed before paving of the entire 5-acre parking lot.

During construction, lead would not be emitted and only minor amounts of sulfur dioxide would be emitted. CO emissions would not be significant during construction because the background concentration of CO is low in the Project area and CO would disperse rapidly by the wind and would not reach a concentration to evoke negative health effects to the nearby residences. Emissions of ROG and NO_x would be below the regional significance thresholds and, therefore, it can be assumed that ozone formed as a result of Project ozone precursor emissions would also be less than significant. Other pollutants regulated by the State of California, including hydrogen sulfide, sulfates, and vinyl chloride, would not be emitted during construction. Visibility-reducing particles would be generated through emissions of fugitive dust; however, they are assessed through the analysis of PM_{10} and $PM_{2.5}$, as standards for those pollutants are more stringent than for visibility-reducing particles.

While the daily construction emissions for these pollutants do not exceed the daily significance thresholds, as recommended by the BAAQMD, basic measures should be incorporated to ensure that construction emissions remain less than significant; therefore, mitigation measures are required.

Once the Project is completed, the net new Project emissions would not exceed the BAAQMD daily or annual significance thresholds. During operation, lead would not be emitted and only minor amounts of sulfur dioxide would be emitted. Emissions of NO_x would not exceed the regional significance thresholds and are therefore less than significant. Ozone precursor emissions of ROG and NO_x would be below the regional significance thresholds so it can be assumed that ozone formed as a result of the Project would also be less than significant. Other pollutants regulated by the State of California, including hydrogen sulfide, sulfates, and vinyl chloride, would not be emitted. Visibility-reducing particles would be generated through emissions of PM_{10} and $PM_{2.5}$; however, they are assessed through the analysis of PM_{10} and $PM_{2.5}$, as standards for those pollutants are more stringent than for visibility-reducing particles. It follows that the impact from visibility-reducing particles would be less than significant as well. Potential impacts to adjacent air districts were not analyzed because the majority of the emissions would be emitted within the Bay Area. There could be minor emissions from the Walmart delivery trucks generated in adjacent air districts; however, the quantity would be minimal. In addition, as shown in Impact AIR-1, the project is consistent with the applicable Clean Air Plan (i.e., the 2005 Ozone Strategy). Therefore, the project would have a less than significant cumulative increase of criteria pollutants. These facts support the City's finding. (Draft EIR, pp. 4.2-33 to 4.2-41; see also Draft EIR, Appendix H.)

g. Impact AIR-7: *Greenhouse Gas Emissions: Impact and Mitigation*

Implementation of the Project may emit significant amounts of greenhouse gases or conflict with an applicable plan, policy or regulation concerning greenhouse gas reduction. Mitigation Measure AIR-7 addresses this potential impact and is as follows:

MM AIR-7a: The Project applicant shall use paving materials with increased solar reflectivity in areas at the back of the store where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity.

MM AIR-7b: Prior to issuance of the final certificate of occupancy, the Project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-7c: To reduce fugitive emissions from refrigerants, the applicant shall:

- Maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas.

- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused.

- Evaluate and implement a secondary closed loop system, if found to be technically and economically feasible.

MM AIR-7d: Prior to issuance of the final certificate of occupancy, the Project applicant shall provide the following Transportation Demand Management measures:

- Public transit information in the employee breakroom. Store management shall post information such as Santa Clara Valley Transportation Authority bus and light rail schedules, maps, and fares.

- Ride sharing information in the employee breakroom. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.

- Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation.

MM AIR-7e: To reduce construction related greenhouse gas impacts, the following measures are required:

- At least 15 percent of the construction vehicles/equipment shall be fueled by an alternative source such as biodiesel and/or electric.

- At least 10 percent of all building materials shall be local (within 100 miles); and

- At least 50 percent of construction and demolition materials shall be recycled. This latter provision shall be coordinated with Mitigation Measure PSU-6a.

(Draft EIR, pp. 4.2-66 to 4.2-67.)

h. Impact AIR-7: *Greenhouse Gas Emissions: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-7, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact AIR-7: *Greenhouse Gas Emissions: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The EIR used the 2009 BAAQMD Draft CEQA Guidelines to determine the level of significance for greenhouse gas emissions. Because the City of Milpitas does not have an applicable plan, policy or regulation to reduce greenhouse gas emissions, the EIR analyzed the Project's construction and operational greenhouse gas emissions and compared them to the CARB Scoping Plan.

The Project will generate greenhouse gas emissions from short-term construction activity as well as from operational activities. During construction, the Project would emit greenhouse gases from combustion of fuels in worker vehicles accessing the site as well as from construction equipment. The EIR calculated net new emissions from Project operations and concluded that the unmitigated net new emissions estimates from operation of the Project would be approximately 710 $MTCO_2e$ per year, which is below the BAAQMD threshold as published in its Draft CEQA Guidelines. In addition, the Project would incorporate a variety of features that would further reduce its energy and water demand, promote waste reduction, and create opportunities for reductions in vehicle miles traveled, which will have the effect of helping reduce greenhouse gases either directly onsite, indirectly by reducing the need for electricity generation, or offsite in materials production and materials disposal. (See Draft EIR, Table 4.2-18 for a discussion of Project features that would reduce greenhouse gas emissions.)

The EIR analyzed the Project's consistency with the CARB Scoping Plan's greenhouse gas reduction measures in Table 4.2-19. The table shows that the Project would be consistent with all applicable reduction measures set forth in the Scoping Plan. Furthermore, the Project would implement feasible greenhouse gas emissions strategies and therefore be consistent with the one applicable CARB Early Action Measure, which is a voluntary program with guidelines to foster the establishment or transition to cool communities. The Office of the Attorney General also maintains a list of CEQA Mitigation for Global Warming Impacts. The Office of the Attorney General states that the list includes examples only and suggests that the lead agency use its own informed judgment in deciding which measures it should analyze and require for a given project. The Project would implement all feasible greenhouse gas emissions strategies identified by the Attorney General's office since it would: (1) incorporate design features and mitigation measures that would conserve energy and water, promote recycling and waste reduction, and make the store accessible to public transit, bicycles, and pedestrians; (2) possibly reduce vehicle miles traveled for nearby residents who would now be close to a store

that sells groceries; and (3) obtain energy from PG&E, which is increasing its share of energy generated by renewable sources. The Project would also implement and be consistent with all feasible greenhouse gas mitigation strategies set forth in the January 2008 CAPCOA white paper.

The Project would expand an existing Walmart store located within the McCarthy Ranch Marketplace – a developed regional commercial center. The existing store is adjacent to existing retail and office uses and is within a relatively short distance of established residential areas. The Project would retail general merchandise and groceries 24 hours a day, 7 days a week and, therefore, would be convenient to nearby residents and employees. The Project site is designated for commercial uses by the City of Milpitas General Plan and Zoning Ordinance, and the Project would be consistent with all applicable provisions of these land use policy documents. The existing store is served by public transit and accessible to bicycles and pedestrians. Collectively, these characteristics indicate that the Project is planned growth within the urban footprint of Milpitas and is well positioned to reduce travel lengths. The Project would implement a number of mitigation measures that either would directly or indirectly reduce emissions of greenhouse gases. The Project's net new operational emissions are below the BAAQMD significance thresholds in the 2009 Draft CEQA Guidelines. In addition, pursuant to the 2009 Draft CEQA Guidelines, the Project's construction emissions are less than significant after implementation of Mitigation Measure AIR-7e. The Project's features and mitigation measures reduce greenhouse gas emissions to the maximum extent practicable. These features and mitigation measures are consistent with all project-level strategies identified by the CARB Early Action Measures and Scoping Plan, the Attorney General's Office, and the CAPCOA White Paper. Therefore, impacts would be less than significant. These facts support the City's finding. (Draft EIR, pp. 4.2-51 to 4.2-67; see also Draft EIR, Appendix B.)

3. Biological Resources

a. Impact BIO-1: *Special-Status Species: Impact and Mitigation*

Implementation of the Project may adversely affect special-status species. Mitigation Measure BIO-1 addresses this potential impact and is as follows:

MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14). (Draft EIR, pp. 4.3-12; see also Draft EIR, Appendix C.)

b. Impact BIO-1: *Special-Status Species: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact BIO-1: *Special-Status Species: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site is within an area with recorded occurrences of Congdon's tarplant and alkali milk vetch. However, the Project site is in an urban, built-up condition and does not contain suitable habitat for either of these special-status plant species. Furthermore, neither species was observed during the site visit conducted by the biologist. As such, the Project would not impact special-status plant species. Impacts would be less than significant.

The Project site is not located within an area where special-status wildlife species have been recorded. However, the Project site does contain ornamental trees and shrubs that are suitable for use as nesting habitat for migratory songbirds protected under the Migratory Bird Treaty Act and California Fish and Game Code. Construction activities that may result in nest abandonment or destruction would be considered significant under CEQA. Therefore, standard construction mitigation is proposed for nesting birds that would ensure that no occupied trees are removed until the birds have fledged. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, p. 4.3-12; see also Draft EIR, Appendix C.)

d. Impact BIO-2: *Local Biological Ordinances and Policies: Impact and Mitigation*

Implementation of the Project may conflict with the City of Milpitas tree maintenance and protection ordinance. A mitigation measure addresses this potential impact and is as follows:

See Mitigation Measure AES-1b. (Draft EIR, pp. 4.3-13; see also Draft EIR, Appendix C.)

e. Impact BIO-2: *Local Biological Ordinances and Policies: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-1b, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact BIO-2: *Local Biological Ordinances and Policies: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The EIR analyzed the Project's consistency with the General Plan and Municipal Code requirements associated with protection of biological resources. The Project is consistent with all applicable General Plan policies associated with biological resources. Construction activities associated with the Project would result in the removal of mature trees located along the southern portion of the expansion pad and in landscaped planters in the parking area. Because tree removal may occur, the Project would be required to comply with the City's Tree Maintenance and Protection Ordinance (Municipal Code Chapter 2). Mitigation Measure AES-1b requires compliance with the tree removal and replacement requirements of the Municipal Code. For trees not eligible for protection under the Municipal Code, the mitigation measure stipulates that they shall be replaced onsite at no less than a 1:1 ratio with a similar trees species. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, p. 4.3-13; see also Draft EIR, Appendix C.)

4. <u>Geology, Soils, and Seismicity</u>

a. Impact GEO-1: *Seismic Hazards: Impact and Mitigation*

Implementation of the Project may expose persons or structures to seismic hazards. Mitigation Measure GEO-1 addresses this potential impact and is as follows:

MM GEO-1a: Prior to issuance of building permits, the Project applicant shall submit a seismic hazards technical study prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. The report shall be prepared in accordance with the requirements of the Seismic Hazards Mapping Act and shall identify necessary design measures to reduce potential seismic ground shaking impacts to acceptable levels. The Project applicant shall incorporate the approved design measures into the Project plans.

MM GEO-1b: Prior to issuance of building permits, the Project applicant shall submit a design-level geotechnical investigation to the City of Milpitas for review and approval. The design-level investigation shall address the potential for ground failure to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The abatement measures shall be incorporated into the Project design.

MM GEO-1c: Prior to issuance of building permits, the Project applicant shall submit plans to the City of Milpitas for review and approval that demonstrate that the Project is designed in accordance with all state and local seismic safety requirements. Such requirements shall include the California Building Standards Code and Milpitas Municipal Code, Title II. The approved plans shall be incorporated into the Project design.

(Draft EIR, pp. 4.4-11 to 4.4-12; see also Draft EIR, Appendix D.)

b. Impact GEO-1: *Seismic Hazards: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact GEO-1: *Seismic Hazards: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Potential seismic hazards include fault rupture, strong ground shaking, ground failure, and landsliding. The conditions within the Project boundaries preclude the possibility of fault rupture from occurring on the Project site and thus, no impacts would occur. The Project site may be exposed to moderate to severe ground shaking during an earthquake, particularly one that occurs on either the Hayward fault or the Calaveras fault. If unabated, structures may be at risk of failure during a seismic event. Mitigation is proposed requiring the Project applicant to submit a seismic hazards technical report prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. This report would identify potential ground shaking impacts and identify structural design measures necessary to reduce the risks of strong seismic ground shaking to acceptable levels. Following the City's approval of the report, the structural design measures would be incorporated into the proposed Project's plans. The implementation of this mitigation measure would ensure that potential ground shaking impacts are reduced to a level of less than significant. The Liquefaction Susceptibility Map for the San Francisco Bay Area indicates that the Project site is located within a moderate liquefaction susceptibility zone. If unabated, ground failure may occur during a seismic event, causing structures to fail. Mitigation is proposed that would require the Project applicant to conduct a design-level geotechnical investigation of potential ground failure hazards and implement those recommendations into the Project design. Additionally, a second mitigation measure requires the applicant to submit plans demonstrating that the Project complies with all applicable state and local seismic safety requirements. With the implementation of mitigation, impacts would be reduced to a level of less than significant. The Project site is characterized by flat relief and is not located within an area identified as being susceptible to landslides. This condition precludes the possibility of earthquake-induced landslides inundating the Project site and thus, no impacts would occur. These facts support the City's finding. (Draft EIR, pp. 4.4-10 to 4.4-11; see also Draft EIR, Appendix D.)

d. Impact GEO-2: *Erosion Hazards: Impact and Mitigation*

Implementation of the Project may result in substantial soil erosion or the loss of topsoil. A mitigation measure addresses this potential impact and is as follows:

See Mitigation Measure HYD-1. (Draft EIR, p. 4.4-12; see also Draft EIR, Appendix D.)

e. Impact GEO-2: *Erosion Hazards: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact GEO-2: *Erosion Hazards: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction activities associated with the Project would involve grading and excavation activities that could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. National Pollutant Discharge Elimination System ("NPDES") stormwater permitting programs regulate stormwater quality from construction sites, which includes erosion and sedimentation. Under the NPDES permitting program, the preparation and implementation of a SWPPP is required for construction activities that would disturb an area of 1 acre or more. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement Best Management Practices ("BMPs") that ensure the reduction of these pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detention basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies. These requirements have been incorporated into the proposed Project as mitigation. The implementation of a SWPPP and its associated BMPs would reduce potential erosion impacts to a level of less than significant. These facts support the City's finding. (Draft EIR, p. 4.4-12; see also Draft EIR, Appendix D.)

g. Impact GEO-4: *Expansion Soils: Impact and Mitigation*

Implementation of the Project may expose persons or structures to hazards associated with expansive soils. Mitigation Measure GEO-4 addresses this potential impact and is as follows:

MM GEO-4: During grading and construction, the Project applicant shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. This includes the

excavation of expansive soils and the subsequent replacement of such soils with non-expansive engineered fill. (Draft EIR, p. 4.4-13.; see also Draft EIR, Appendix D.)

h. Impact GEO-4: *Expansion Soils: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact GEO-4: *Expansion Soils: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Geotechnical Engineering Investigation prepared by Krazan & Associates indicated that expansive clay soils are located within the Project area. The investigation provided recommendations for abatement of expansive soil conditions, including excavation and replacement with non-expansive engineered fill. These recommendations have been incorporated as mitigation. With the implementation of the recommendations, the impacts would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, p. 4.4-13; see also Draft EIR, Appendix D.)

5. Hydrology and Water Quality

a. Impact HYD-1: *Short-Term Water Quality: Impact and Mitigation*

Implementation of the Project may have the potential to degrade water quality in downstream water bodies. Mitigation Measure HYD-1 addresses this potential impact and is as follows:

MM HYD-1: Prior to the issuance of grading permits for the Project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.

- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.

- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.

- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

(Draft EIR, p. 4.6-8 to 4.6-9.)

b. Impact HYD-1: *Short-Term Water Quality: Expansion Soils: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact HYD-1: *Short-Term Water Quality: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Development of the Project would require extensive grading and construction activities that could easily disturb more than one acre. During these activities, there would be the potential for surface water to carry sediment from onsite erosion and small quantities of pollutants into the stormwater system and local waterways. Soil erosion may occur along Project boundaries during construction in areas where temporary soil storage is required. Small quantities of pollutants have the potential for entering the storm drainage system, thereby potentially degrading water quality. Construction of the Project would also require the use of gasoline- and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances would likely be utilized during construction. An accidental release of any of these substances could degrade the water quality of the surface water runoff and add additional sources of pollution into the drainage system. Mitigation is proposed that would require the Project applicant to prepare and implement a SWPPP. The implementation of the mitigation measure would ensure that potential, short-term, construction water quality impacts are reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.6-8 to 4.6-9.)

d. Impact HYD-2: *Long-Term Water Quality: Impact and Mitigation*

Implementation of the Project may have the potential to degrade water quality in downstream water bodies. Mitigation Measure HYD-2 addresses this potential impact and is as follows:

MM HYD-2: Prior to the issuance of building permits for the Project, the Project applicant shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include, but are not limited to:

- Strategically placed bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Roof drains that discharge to landscaped areas
- Trash enclosures with screen walls
- Stenciling on storm drains

- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform store personnel of stormwater pollution prevention measures
- The Project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.

(Draft EIR, p. 4.6-9 to 4.6-11.)

e. Impact HYD-2: *Long-Term Water Quality: Expansion Soils: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact HYD-2: *Long-Term Water Quality: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would not result in a net increase in impervious surface coverage of the Project site. Currently, the Project site contains mostly impervious surfaces, with landscaped areas accounting for the only pervious surfaces. The proposed Project would maintain the existing impervious surface coverage and uses of the Project site. Such characteristics would create the potential for additional discharge of urban pollutants into downstream waterways. Leaks of fuel or lubricants, tire wear, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from the landscaped areas may contain residual pesticides and nutrients. Mitigation is proposed that would require the Project applicant to prepare and submit a stormwater quality management plan to the City of Milpitas for review and approval. The plan would require the Project applicant to document various stormwater quality control measures that would be in effect during Project operations to ensure that water quality in downstream

water bodies is not degraded. The implementation of this mitigation measure would ensure that potential, long-term, operational water quality impacts are reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.6-9 to 4.6-11.)

6. Land Use

a. Impact LU-2: *Municipal Code Consistency: Impact and Mitigation*

Implementation of the Project may conflict with the applicable ordinances of the City of Milpitas Municipal Code. Mitigation measures address this potential impact and are as follows:

See Mitigation Measure AES-1a, Mitigation Measure AES-1b, Mitigation Measure AES-1c, and Mitigation Measure TRANS-5. (Draft EIR, pp. 4.7-23 to 4.7-26.)

b. Impact LU-2: *Municipal Code Consistency: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures AES-1a, AES-1b, AES-1c, and TRANS-5, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact LU-2: *Municipal Code Consistency: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would be consistent with the intended uses of the General Commercial (C2) zoning district, would be within the Zoning Ordinance's maximum floor area ratio and, because the C2 zoning district does not establish a height limit for buildings within the district, the Project would not conflict with any height restrictions. As part of the Project, the store elevations would be upgraded and enhanced to incorporate the "California ranch" design theme of the McCarthy Ranch Marketplace and are intended to provide a high-quality, visually appealing design. In addition, the Project would maintain the existing pedestrian facilities and vehicular access points. Accordingly, the Project would be consistent with the objectives of the Site and Architectural Review Overlay District (S). The Project is seeking approval of conditional use permits for grocery sales within 1,000 feet of residential uses and for alcohol sales. Should these permits be approved by the City of Milpitas, these activities would be in compliance with Municipal Code requirements.

The Project would provide 779 off-street parking spaces, of which 751 would be available for vehicular parking. This number represents a parking ratio of exactly 5.0 spaces per 1,000 square feet, based on the actual square footage of the expanded store. However, the square footage analyzed in the EIR was slightly higher and translated to a minimum parking requirement of 754 spaces. As such, Mitigation Measure TRANS-5 requires that off-street

parking be provided at no less than 5.0 spaces per 1,000 square feet to satisfy Municipal Code requirements. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

MM AES-1a requires the applicant to prepare and submit plans to the City demonstrating that the signage complies with Municipal Code requirements. The implementation of this mitigation measure would ensure that the visual impacts of signage are reduced to a level of less than significant.

The Project would remove several ornamental trees, which may be eligible for protection under the Tree Maintenance and Protection Ordinance. Mitigation Measure AES-1b requires compliance with the Municipal Code tree removal and replacement requirements. For trees not eligible for protection under the ordinance, the mitigation measure stipulates that they shall be replaced onsite at no less than a 1:1 ratio with a similar trees species. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

Shipping containers are currently stored in outdoor areas of the Project site during various times of the year. The Zoning Ordinance requires that outdoor storage of materials (e.g., shipping containers) be completely enclosed within a building or behind a visually obscure wall or fence a minimum of 6 feet in height. To bring the Project into conformance with this Zoning Ordinance requirement, Mitigation Measure AES-1c is proposed requiring the Project applicant to either permanently remove shipping containers from the Project site or install screening measures around areas where such containers would be stored. The implementation of this mitigation measure would ensure that the visual impacts of outdoor storage of shipping containers is reduced to a level of less than significant.

With the implementation of the aforementioned mitigation measures, the proposed Project would be consistent with the applicable requirements of the Municipal Code. Therefore, impacts would be less than significant. These facts support the City's finding. (Draft EIR, pp. 4.7-23 to 4.7-26.)

7. Public Services and Utilities

a. Impact PSU-3: *Water: Impact and Mitigation*

The Project may not be served with adequate long-term water supplies. Mitigation Measure PSU-3 addresses this potential impact and is as follows:

MM PSU-3: Prior to issuance of the final certificate of occupancy, the Project applicant shall install the following indoor water conservation measures:

- Low-flow or ultra-low-flow toilets and urinals
- Sensor-activated faucets in restrooms

(Draft EIR, pp. 4.9-14 to 4.9-15; see also Draft EIR, Appendix G.)

b. Impact PSU-3: *Water: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact PSU-3: *Water: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would increase potable water demand, which represents domestic consumption, by 2,600 gallons per day, while recycled water demand would remain unchanged. Because the Project would not exceed the allowable floor area ratio for the Project site, the increased potable water demand attributable to the store expansion would not adversely impact the water system. Nonetheless, because the Project would result in a net increase in potable water consumption, indoor water conservation measures are proposed as mitigation. These measures would reduce overall Project demand for potable water. Given the relatively small increase in potable water demand, these measures would be considered adequate to mitigate the Project's impacts on long-term water supply. Note that no increase in irrigation water demand is expected, as the Project would result in only minimal changes to landscaping onsite and, therefore, no outdoor water conservation measures are proposed. As such, impacts on water would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.9-14 to 4.9-15; see also Draft EIR, Appendix G.)

d. Impact PSU-6: *Solid Waste: Impact and Mitigation*

Implementation of the Project may generate substantial amounts of solid waste during both construction and operations. Mitigation Measure PSU-6 addresses this potential impact and is as follows:

MM PSU-6a: Prior to issuance of building permits, the Project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The Project applicant shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled.

MM PSU-6b: Prior to issuance of occupancy permits, the Project applicant shall provide onsite facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials.

(Draft EIR, pp. 4.9-17 to 4.9-18; see also Draft EIR, Appendix G.)

e. Impact PSU-6: *Solid Waste: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-6, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact PSU-6: *Solid Waste: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project is anticipated to generate 5,737 tons of solid waste during the construction phase. Given the amount of construction waste tonnage, mitigation is proposed that would require the Project applicant to retain a contractor to recycle construction and demolition debris. The implementation of this mitigation measure would reduce potential impacts to a level of less than significant.

During the operation phase, the Project is estimated to generate 362 tons of solid waste annually, which would represent a net increase of 45.6 tons over the existing store's estimated solid waste generation. Mitigation is proposed that would require the Project applicant to provide onsite recycling facilities prior to issuance of occupancy permits. The implementation of this mitigation measure would reduce solid waste generation and reduce demand for landfill capacity. Therefore, solid waste impacts would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.9-17 to 4.9-18; see also Draft EIR, Appendix G.)

8. <u>Transportation</u>

a. Impact TRANS-1: *Near-Term Intersection Operations: Impact and Mitigation*

Implementation of the Project would contribute trips to intersections that would operate at unacceptable levels of service under near-term conditions. Mitigation Measure TRANS-1 addresses this potential impact and is as follows:

MM TRANS-1a: Prior to the issuance of building permits, the Project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and the widening of Dixon Landing Road. The intersection improvements shall consist of 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right-turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035. The applicant is responsible for fair-share amounts of $3,000 for the intersection improvements and $28,960 for the roadway widening.

MM TRANS-1b: Prior to the issuance of final certificate of occupancy, the Project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy.

(Draft EIR, pp. 4.10-60 to 4.10-64; see also Draft EIR, Appendix H.)

b. Impact TRANS-1: *Near-Term Intersection Operations: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact TRANS-1: *Near-Term Intersection Operations: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would not cause any intersections that are performing at acceptable levels without the Project to drop below acceptable levels. Some intersections previously operating below acceptable thresholds are nominally affected by Project traffic; however, only two intersections are expected to experience an increase in critical delay and critical volume to capacity above the allowable thresholds with the addition of the Project. The addition of the Project trips would result in an increase in critical delay during the AM peak hours at the Dixon Landing Road/Milpitas Boulevard intersection; and during the AM peak, midday peak and PM

peak hours at the N. McCarthy Boulevard/Ranch Drive (South) intersection. As a result, these two intersections would operate above the allowable thresholds and, therefore, results in a significant impact. The impact at the Dixon Landing Road/N. Milpitas Boulevard intersection can be mitigated by modifying the signal phasing, which would result in this intersection operating at improved levels compared to the Project conditions during the weekday AM peak hour, thus reducing the impact to a less than significant level. The impact at N. McCarthy Boulevard/Ranch Drive (South) can be mitigated by re-timing the signal to increase the current cycle length, which would result in this intersection operating at improved levels during the weekday AM and midday peak hours and during the weekday PM peak hour, thus reducing the impact to a less than significant level.

As discussed above, the Project would contribute significantly to unacceptable intersection operations at two intersections. However, the Project can fully mitigate its impacts through fair share payments for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and Dixon Landing Road and through payments to provide the full cost of signal timing improvements at N. McCarthy Boulevard/Ranch Drive (South). Because the Dixon Landing Road improvements are contained in an “actual plan for mitigation” (i.e., Valley Transportation Plan 2035) and the applicant would provide the full cost of the N. McCarthy Boulevard/Ranch Drive (South) intersection improvements, there is a reasonable degree of certainty that the improvements would be fully funded and implemented as contemplated. Because this impact would also occur under the “Baseline Without Project” scenario, the applicant would only be required to contribute fair-share payments for the installation of the signals. It would not be lawful for the City to require the Project to fund the full cost of the traffic signals, which are necessitated by other projects as well as the Project. (CEQA Guidelines § 15126.4(a)(4) (requiring mitigation measures to be consistent with applicable constitutional principles and mandates that the mitigation measure must be "roughly proportional" to the project's impact).) In this case, installation of the two traffic signals for the Project's traffic impacts at intersections already operating at unacceptable levels cannot be considered roughly proportional and cannot be legally imposed. Accordingly, Mitigation Measure TRANS-1 requires the Project to pay its fair share. Once mitigation occurs, the residual significance of this impact is less than significant. These facts support the City’s finding. (Draft EIR, pp. 4.10-60 to 4.10-64; see also Draft EIR, Appendix H.)

d. Impact TRANS-4: *Queuing: Impact and Mitigation*

Implementation of the Project would contribute to deficient queuing. A mitigation measure addresses this potential impact and is as follows:

See Mitigation Measure TRANS-3. (Draft EIR, pp. 4.10-74 to 4.10-84; see also Draft EIR, Appendix H.)

e. Impact TRANS-4: *Queuing: Finding*

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact TRANS-4: *Queuing: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would have significant impacts on queuing at five turning movements: (1) McCarthy Boulevard/Technology Drive – Eastbound Left and Southbound Left; (2) N. McCarthy Boulevard/SR-237 Westbound Ramps – Westbound Right and Northbound Left; and (3) N. McCarthy Boulevard/Ranch Drive (North) – Westbound Left. However, impacts at all five turning movements can be fully mitigated with the implementation of traffic improvements, the full cost of which would be provided by the Project applicant. Because the improvements would be fully funded, there is certainty that the improvements would be implemented as contemplated and, therefore, the residual significance would be less than significant. These facts support the City's finding. (Draft EIR, pp. 4.10-74 to 4.10-84; see also Draft EIR, Appendix H.)

g. Impact TRANS-5: *Parking: Impact and Mitigation*

The Project may not provide adequate off-street parking. Mitigation Measure TRANS-5 addresses this potential impact and is as follows:

MM TRANS-5: Prior to issuance of building permits, the Project applicant shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking is provided onsite at no less than 5.0 spaces per 1,000 gross square feet of building coverage. The approved site plan shall be incorporated into the Project. (Draft EIR, pp. 4.10-84 to 4.10-85; see also Draft EIR, Appendix H.)

h. Impact TRANS-5: *Parking: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact TRANS-5: *Parking: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would reduce the number of parking spaces to 779, with 751 available for vehicles and the balance occupied by shopping cart corrals. The City of Milpitas Municipal Code requires that off-street parking for retail land uses be provided at a ratio of 5.0 spaces per 1,000 gross square feet. The Project as proposed would comply with the Municipal Code requirements, while the store square footage used in this EIR would not. As such, mitigation is proposed that requires off-street parking be provided at no less than 5.0 spaces per 1,000 square

feet to satisfy Municipal Code requirements. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.10-84 to 4.10-85; see also Draft EIR, Appendix H.)

j. Impact TRANS-8: *Public Transit, Bicycles, and Pedestrians: Impact and Mitigation*

Implementation of the Project may not provide adequate public transit, bicycle, and pedestrian access. Mitigation Measure TRANS-8 addresses this potential impact and is as follows:

MM TRANS-8: Prior to issuance of the final certificate of occupancy, the Project applicant shall install bicycle storage facilities. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that provides storage equivalent to 2 percent of the proposed project's minimum parking requirement. (Draft EIR, pp. 4.10-87 to 4.10-88; see also Draft EIR, Appendix H.)

k. Impact TRANS-8: *Public Transit, Bicycles, and Pedestrians: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-8, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

l. Impact TRANS-8: *Public Transit, Bicycles, and Pedestrians: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would not impair access to VTA bus operations in the Project vicinity and impacts would be less than significant. It is anticipated that the number of customers and employees who use bicycles to travel to the expanded store would increase. To facilitate bicycle access, mitigation is proposed that would require bicycle storage to be provided in front of the store. The provision of these bicycle storage facilities would ensure that adequate storage is available. Therefore, impacts would be less than significant. The Project would provide safe and convenient accessibility for pedestrians and impacts would be less than significant. These facts support the City's finding. (Draft EIR, pp. 4.10-87 to 4.10-88; see also Draft EIR, Appendix H.)

m. Impact TRANS-9: *Construction Traffic and Parking: Impact and Mitigation*

Implementation of the Project may adversely affect traffic and circulation in the project vicinity. Mitigation Measure TRANS-9 addresses this potential impact and is as follows:

MM TRANS-9: Prior to commencement of construction activities, the Project applicant shall submit a Construction Traffic Control Plan to the City of Milpitas for review and approval. The plan shall identify the timing and routing of all major construction equipment and materials deliveries to avoid potential traffic congestion and delays on the local street network and the McCarthy Ranch Marketplace, and to encourage the use of I-880 and SR-237. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours (e.g., mornings or evenings) to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking. (Draft EIR, pp. 4.10-88 to 4.10-89; see also Draft EIR, Appendix H.)

n. Impact TRANS-9: *Construction Traffic and Parking: Finding*

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-9, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

o. Impact TRANS-9: *Construction Traffic and Parking: Facts in Support of Finding*

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction activities (delivery of equipment and materials and daily trips to the site by construction workers) have the potential to create congestion and parking problems on nearby roadways, as well as within the McCarthy Ranch Marketplace. Much of the construction traffic, especially trucks and equipment delivery vehicles, would avoid residential areas and would minimize potential congestion on the local street system. Construction activities may cause congestion and impair circulation within the Walmart parking lot. Furthermore, the delivery of construction equipment and materials during the afternoon period may cause increased site congestion during peak shopping hours. Accordingly, mitigation is proposed requiring the Project applicant to implement a Construction Traffic Control Plan during construction activities to minimize impacts on surrounding roadways and nearby parking areas. The implementation of this mitigation measure would reduce potential impacts to a level of less than significant. These facts support the City's finding. (Draft EIR, pp. 4.10-88 to 4.10-89; see also Draft EIR, Appendix H.)

I. Significant Environmental Impact That Cannot be Mitigated to a Less-than-significant Level

The following significant impact would not be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth below. No mitigation is feasible that would mitigate this impact to a less-than-significant level. The City has determined that the impact identified below is acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in Section III below in addition to these findings.

1. Transportation

a. Impact TRANS-3: *Roadway Operations: Impact and Mitigation*

Implementation of the Project may substantially contribute to unacceptable roadway operations. Mitigation Measure TRANS-3 addresses this potential impact and is as follows:

MM TRANS-3: Prior to issuance of building permits, the Project applicant shall provide a traffic management fee in the amount of $180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be fully funded by funds collected shall include:

- McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-striped to provide two left-turn lanes and one shared through/right lane.

- McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right-turn lanes for the westbound approach.

- Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern Walmart driveway to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection.

(Draft EIR, pp. 4.10-66 to 4.10-74; see also Draft EIR, Appendix H.)

b. Impact TRANS-3: *Roadway Operations: Finding*

Mitigation Measure TRANS-3, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, but will not reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

c. Impact TRANS-3: *Roadway Operations: Facts in Support of Finding*

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Under long-term conditions, the addition of the Project would not cause a roadway segment that is performing at acceptable levels without the Project to drop below acceptable levels. However, 13 of the 20 roadway segments studied do not function within acceptable standards under long-term conditions without the Project. For four of these 13 roadway segments (McCarthy Boulevard Southbound – between Ranch Drive [North] and Ranch Drive [South] [AM peak]; McCarthy Boulevard Northbound – between Ranch Drive [South] and SR-237 Westbound Ramps [AM peak]; McCarthy Boulevard Southbound – between Ranch Drive [South] and SR-237 Westbound Ramps [AM peak, PM peak]; and McCarthy Boulevard Southbound – between SR-237 Westbound Ramps and Technology Drive [AM peak]), the addition of the Project's trips causes an increase in traffic greater than 1 percent of the roadway's capacity, which results in a significant impact. The Project can mitigate its impacts through payment of a traffic management fee in the amount of $180,000 that would fund intersection and traffic operations improvements on Milpitas roadways, including McCarthy Boulevard. However, these improvements may not be able to fully mitigate the impacts to the same degree as widening the roadway, which is infeasible. As such, the residual significance of this impact is significant and unavoidable.

These facts support the City's finding. (Draft EIR, pp. 4.10-66 to 4.10-74; see also Draft EIR, Appendix H.)

d. Impact TRANS-3: *Roadway Operations: Statement of Overriding Considerations*

The Planning Commission has found that the Project benefits outweigh the significant unavoidable impact of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section III).

Under long-term conditions the addition of the Project does not cause a study roadway segment that is performing at acceptable levels without the Project to drop below acceptable levels. However, 13 of the 20 study roadway segments do not function within acceptable standards under long-term conditions, even without the Project. For four of these 13 roadway segments, the addition of the Project's trips causes an increase in traffic greater than 1 percent of the roadway's capacity, which results in a significant impact.

The significant impact at these roadway segments could be mitigated with increased capacity (i.e., with additional lanes), however, these improvements are infeasible. There is insufficient right-of-way to accommodate an additional lane and obtaining additional right-of-way may be difficult because adjacent properties are under multiple ownership and are already developed with existing improvements. Moreover, widening the road would also affect the existing landscaping theme and would render the streetscape non-conforming with the McCarthy Ranch Design Guidelines. In addition, the widening of McCarthy Boulevard would not provide an efficient and orderly transition, which would result in the need for a reconfiguration or reconstruction of the McCarthy Boulevard overcrossing over SR-237. Similarly, reducing the existing medians at the McCarthy Boulevard/Westbound and Eastbound SR-237 ramps not provide the additional capacity needed for the desired lane configuration to mitigate the impact. The Project can mitigate its impacts through payment of a traffic management fee in the amount of $180,000 that would fund intersection and traffic operations improvements on Milpitas roadways, including McCarthy Boulevard. However, these improvements may not be able to fully mitigate the impacts to the same degree as widening the roadway. As such, the residual significance of this impact is significant and unavoidable. These facts support the City's finding. (Draft EIR, pp. 4.10-66 to 4.10-74; see also Draft EIR, Appendix H; Final EIR, p. 2-9.)

J. <u>Feasibility of Mitigation Measures Proposed in Comments on the Draft EIR</u>

During the public comment period, the City received comments suggesting additional mitigation measures. As explained in the Final EIR (Responses to Comments), none of these suggestions were found in the Final EIR to be inappropriate because they were duplicative, did not address the impact, or were infeasible. The Planning Commission commends its staff for their careful consideration of all of the lengthy public comments received and particularly its careful evaluation of the proposed mitigation measures. The Commission agrees with staff's analysis in all respects.

Throughout this entire process, the Commission and staff have remained cognizant of the legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, changed significantly, or added, in order to more

effectively, in the commenter's eyes, reduce the severity of environmental effects. The City is also cognizant, however, that, with the exception of new language included in the Errata, the mitigation measures in the Draft EIR intended to avoid, minimize, rectify, reduce, compensate for, or substantially lessen significant environmental effects of the Project represents the fruit of extensive staff and consultant experience in countless projects. Thus, in considering proposed changes to mitigation measures, the City, in determining whether to accept such language, either in whole or in part, has considered the following factors, among others: (i) whether the proposed language relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less-than-significant levels; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language would essentially duplicate language already in place elsewhere within the mitigation measures identified for the Project; (iv) whether the proposed language appears to be feasible from an economic, technical, legal, or other standpoint; (v) whether the proposed language is consistent with the Project objectives.

As is often evident from the specific responses given to specific suggestions, City staff and consultants spent large amounts of time carefully considering and weighing proposed mitigation measures. In no instance did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the effort that went into the formulation of suggestions.

For instance, one commenter stated that the Draft EIR should study the issue of installing solar panels on the expanded Walmart store and that the City of Milpitas should require the Project to incorporate the panels. (Final EIR, p. 3-273.) The CARB Scoping Plan, the CAPCOA white paper, and the Attorney General's Office do not mandate that new projects install photovoltaic systems, but rather allow the lead agencies to determine which strategies are most appropriate on a case-by-case basis. As explained in the Draft EIR, solar technology can only provide a small percentage of the store's electrical needs and is only economically feasible in the short term. As demonstrated in the Final EIR, requiring solar panels would be inconsistent with CEQA's requirement that mitigation measures be roughly proportional to the impacts of the project. Moreover, there are more effective ways to promote non-carbon energy. For instance, PG&E, which is the existing energy provider to the Walmart store, is subject to the terms of AB 32's Renewable Portfolio Standards and, therefore, must obtain 33% of its energy from renewable resources. By staying on the grid and implementing energy efficiency measures, the Project may achieve as much, if not more, greenhouse gas reductions than through installation of solar panels. (Final EIR, pp. 3-273 to 3-275.)

K. <u>Growth-Inducing Effects</u>

A project may be growth-inducing if it directly or indirectly fosters economic or population growth or additional housing, removes obstacles to growth, taxes community service facilities, or encourages or facilitates other activities that cause significant environmental effects. (CEQA Guidelines Section 15126(g).)

Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth could significantly affect the environment in some other way.

The Planning Commission finds that the Project would not significantly induce further growth or remove obstacles to future growth. The Project site contains an existing Walmart store and associated parking areas. The Project does not contain any residential uses and, therefore, would not directly induce population growth through the provision of new dwelling units. The existing Walmart store employs 330 workers. The expanded store would be expected to increase store employment to 415 positions, a net increase of 85 jobs. Most of the new employment opportunities created by the Project would be entry-level, both full-time and part-time. The California Employment Development Department indicates that, as of September 2009, there were 3,900 unemployed persons in Milpitas and 104,400 unemployed persons in Santa Clara County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force. For these reasons, the Project would not induce substantial population growth. No impacts would occur. Moreover, the Project would not require the extension or upsizing of utility connections, thus, the development of the Project would not remove an obstacle to growth. (Draft EIR, p. 6-2; see also Final EIR, p. 4-1.)

L. Cumulative Impacts

Although a project may cause an individually limited incremental impact that, by itself is not significant, the increment may be cumulatively considerable, and thus significant, when viewed in connection with the environmental effects of other projects. (CEQA Guidelines, §§ 15064(h)(1), 15065(a)(3) and 15355(b).)

For the reasons stated below, the Planning Commission finds that the Project would not result in cumulatively considerable impacts to aesthetics, light and glare; air quality; biological resources; geology, soils and seismicity; hazards and hazardous materials, hydrology and water quality; land use; noise; public services and utilities; transportation; and urban decay.

1. Aesthetics, Light and Glare

There are a number of other projects in the Project vicinity, all of which have the potential to alter the visual character of the area. These other projects would be subject to design and landscaping requirements to ensure that they do not degrade visual character. The Project consists of the expansion and alteration of the existing Walmart, including the addition of 19,000 square-feet of retail space. The expansion would occur on the south side of the store, within a paved parking area. The expansion area contains asphalt, concrete, and several trees. The Walmart store's elevations would be upgraded as part of the store expansion. The elevations would incorporate design features to reflect the design theme of the McCarthy Ranch Marketplace, including metal roofs and canopies, corrugated metal cladding, and the use of colors such as Colonnade Gray, Cool Old Zinc Gray, and Countrylane Red. The height of the expanded store would range from 18 feet, 6 inches to 35 feet, 6 inches above grade. The Milpitas Zoning Ordinance does not have a height limit for the General Commercial (C2) zoning district. Furthermore, the building height would be similar to other building heights in the McCarthy Ranch Marketplace. The expanded Walmart store would have a Floor Area Ratio (FAR) of 0.24 (150,725 square feet/14.56 acres [634,233.6 square feet]), which would be consistent with both the General Plan's and the Zoning Ordinance's maximum allowable FAR of 0.5 for the General Commercial designation and the C2 zoning district, respectively. Mitigation is proposed requiring the Project to replace removed trees in accordance with Municipal Code requirements and also comply with code requirements pertaining to outdoor storage. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable aesthetic impacts.

Other development projects in the Project vicinity have the potential to introduce new sources of light and glare. It is reasonable to assume that other projects would be required to reduce spillover light pursuant to City standards. The Project would largely maintain the existing exterior light fixtures on the Project site and, therefore, would not have the potential to have a cumulative contribution to light and glare. (Draft EIR, pp. 6-4 to 6-5.)

2. Air Quality

The Project would be consistent with the land use and vehicle miles traveled assumptions contained in the BAAQMD 2005 Ozone Strategy. While other development projects may or may not be consistent with these assumptions, because the Project would be consistent, it would not cumulatively contribute to inconsistency with the 2005 Ozone Strategy.

The Project's construction emissions would not exceed the BAAQMD daily emissions thresholds. Moreover, construction activities associated with other development projects would make a minimal contribution to cumulative emissions because the timing of those activities would overlap minimally, if at all, with the Project. Therefore, construction emissions from the Project would not combine with emissions from other development projects to cause cumulatively considerable air quality impacts.

The Project's operational emissions would not exceed the BAAQMD significance thresholds for criteria pollutants, would not create any carbon monoxide hotspots on surrounding roadways, and would not expose sensitive receptors to unhealthy levels of toxic air contaminants. Operational activities associated with other projects would emit air pollutants,

which, depending on the nature of the project, may or may not exceed BAAQMD thresholds. However, because the Project's operational emissions would not exceed BAAQMD thresholds, its air emissions would be within the regional air emissions budget and, therefore, can be assumed not to be cumulatively considerable.

The Project would not expose sensitive receptors to harmful concentrations of toxic air contaminants (such as DPM) because of its distance from sensitive receptors and prevailing wind patterns. While other development projects located within 0.5 mile of the Project site may also receive diesel truck deliveries, thereby emitting toxic air contaminants (such as DPM), DPM exposure is highly localized because of wind dispersion patterns, and it is unlikely that the Project's DPM emissions would combine with DPM emissions from other projects. Furthermore, adverse health effects from DPM exposure require sustained exposure for decades by nearby sensitive receptors. No sensitive receptors are close enough to the Project site or the surrounding cumulative projects to be adversely affected by DPM. Therefore, the Project, in conjunction with other projects that receive diesel truck deliveries, would not create cumulatively considerable health risks.

The Project would result in a net increase of greenhouse gas emissions. Mitigation is proposed that would require implementation of greenhouse gas reduction measures that are consistent with applicable emissions reduction strategies issued by the Climate Action Team, CARB (Early Action Measures), the Attorney General's Office, and the California Air Pollution Control Officers Association ("CAPCOA") white paper. Other projects would emit greenhouse gases, and it is reasonable to assume that such projects would implement greenhouse gas emission reduction measures. With the implementation of these measures, the Project and other projects would not emit cumulatively considerable amounts of greenhouse gas emissions. (Draft EIR, pp. 6-5 to 6-6.)

3. Biological Resources

The Project would have the potential to adversely affect special-status species (nesting birds) but mitigation is proposed to reduce potential impacts to a less than significant level. Other development projects in the Project's vicinity may have the potential to impact special-status species but would also be required to mitigate for impacts. Because mitigation is proposed, the Project, in conjunction with other projects, would not have cumulatively considerable special-status species impacts. The Project would result in tree removal activities but mitigation is proposed to ensure the replacement (at a ratio of no less than 1:1) or proper landscaping of the Project as specified by the City of Milpitas tree preservation ordinance. Other development projects in the Project's vicinity may result in tree removal activities that would also be required to comply with the City of Milpitas tree preservation ordinance. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable conflicts with local biological ordinances and policies. (Draft EIR, pp. 6-6 to 6-7.)

4. Geology, Soils and, Seismicity

Development projects in the Project's vicinity may have the potential to be exposed to seismic hazards. These projects would be required to mitigate for impacts through compliance with applicable laws and geotechnical study recommendations. The Project site may be exposed to strong ground shaking during an earthquake. Mitigation is proposed requiring the

Project to comply with the California Building Standards Code seismic design criteria. Moreover, Project construction activities would implement standard stormwater pollution prevention mitigation measures to ensure that earthwork activities do not result in substantial erosion offsite and, therefore, would not contribute to area-wide erosion problems. It is reasonable to assume that other development projects would implement mitigation measures for erosion that would reduce project-level impacts to a less than significant level. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable geologic, seismic, or soil impacts. (Draft EIR, p. 6-7.)

5. Hazards and Hazardous Materials

There are no recognized environmental constraints within the Project site or surrounding sites. Construction activities associated with other development projects would make a minimal contribution to cumulative hazards from past and present uses, because such effects are highly localized and, therefore, would have no possibility to overlap with the Project. Accordingly, it is reasonable to conclude that any potential contamination present on other sites would not have the potential to cause cumulatively considerable impacts. The Project would not result in the use of substantial quantities of hazardous materials or impair emergency response or evacuation; therefore, the Project would not have considerable effects on these issue areas. It is reasonable to assume that other projects would implement mitigation that would require proper abatement of potential hazards; therefore, cumulative impacts are anticipated to be less than significant, and the Project, in conjunction with other projects, would not have considerable hazards and hazardous materials impacts, including from other projects. (Draft EIR, pp. 6-7 to 6-8.)

6. Hydrology and Water Quality

Development projects in the Project vicinity may have the potential to create sources of short-term and long-term water pollution. These projects would be required to mitigate for impacts by providing stormwater pollution prevention measures. The Project would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies. Mitigation is proposed that would require implementation of various construction and operational water quality control measures that would prevent the release of pollutants into downstream waterways. Development projects in the Project vicinity may have the potential to increase impervious surface coverage and, therefore, result in increased runoff volumes in downstream waterways. These projects would be required to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Project would largely maintain the existing impervious surface coverage of the site and, therefore, would not create the potential for additional discharge of urban pollutants into downstream waterways. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on hydrology and water quality. (Draft EIR, p. 6-8.)

7. Land Use

Development projects would be required to demonstrate consistency with all applicable General Plan and Zoning Ordinance requirements. The Project would be consistent with applicable provisions of both the City of Milpitas General Plan, Zoning Ordinance and

other applicable provisions of the City's Municipal Code. Moreover, mitigation is proposed requiring compliance with Municipal Code requirements for tree removal, outdoor storage, and parking to ensure that impacts are reduced to a level of less than significant. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on land use. (Draft EIR, pp. 6.8-6.9.)

8. Noise

Construction activities associated with the Project would not result in substantial sources of noise at nearby receptors. Other projects would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts. In addition, the timing of construction activities associated with other development projects would overlap minimally, if at all, with the Project. Furthermore, because noise is a highly localized phenomenon, even if construction activities did overlap in time with the Project, distance would diminish any additive effects. Finally, construction noise would generally be limited to daytime hours and would be short-term in duration. Therefore, it is reasonable to conclude that construction noise from the Project would not combine with noise from other development projects to cause cumulatively considerable noise impacts.

The Project's construction and operational vibration levels would not exceed annoyance thresholds. Vibration is a highly localized phenomenon and, therefore, there would be no possibility for cumulative vibration associated with the Project to combine with vibration from other development projects because of their distances from the Project site. Accordingly, the Project would not contribute to a cumulatively considerable vibration impact.

The Project's vehicular trips would not make a substantial incremental contribution to ambient noise levels. Other projects would be required to evaluate offsite roadway noise and, if necessary, mitigate for such impacts. The Project's contribution to vehicular noise levels would not exceed any applicable thresholds of significance, which take into account the existing noise levels. Thus, the Project would not combine with other projects to cause a cumulatively considerable increase in ambient roadway noise.

Combined stationary and transportation noise levels under near-term with Project conditions would not result in significant noise increases at nearby sensitive receptors. Other projects would be required to mitigate for stationary- and transportation-related noise impacts at nearby sensitive receptors. Moreover, stationary noise and transportation noise are localized phenomena, and there is very limited potential for cumulative noise impacts to occur. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable, permanent increase in ambient noise levels in the Project vicinity. (Draft EIR, pp. 6-9 to 6-10.)

9. Public Services and Utilities

- *Fire Protection and Emergency Medical Services*: The Project would not create a need for new or expanded fire protection facilities, and, therefore, would not result in a physical impact on the environment. Other development projects in Milpitas would be reviewed for impacts on fire protection and emergency medical services and would be required to address any potential impacts with mitigation. It is

unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on fire protection and emergency medical services.

- *Police Protection*: The Project would not create a need for new or expanded police protection facilities and would not result in a physical impact on the environment. Other development projects in Milpitas would be reviewed for impacts on police protection and would be required to address any potential impacts with mitigation. It is unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on police protection.

- *Potable Water*: All development projects within Milpitas would be required to demonstrate that potable water supply sources are available and these projects may be required to implement water conservation measures. The Project is anticipated to result in a net increase of 2,600 gallons-per-day in water consumption. To minimize the Project's potential cumulative impacts on long-term water supply, indoor water conservation measures would be implemented. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on potable water supply.

- *Wastewater*: All projects would be required to demonstrate that sewer service is available to ensure that adequate sanitation can be provided. Although the Project is estimated to generate an increased amount of wastewater, the wastewater treatment plant could readily accommodate the Project's wastewater flows without a need for new or expanded facilities. Furthermore, the sewer system servicing the existing Walmart was designed with the store expansion in mind and has adequate capacity to accommodate the additional effluent on a daily basis. Accordingly, the Project would be served by adequate wastewater treatment and conveyance. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on wastewater.

- *Storm Drainage*: All development projects in the Project's vicinity would be required to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Walmart expansion area currently contains a parking area that is drained by existing storm drainage facilities. Accordingly, the Project would not increase impervious surface coverage and would not increase the volume of runoff entering downstream waterways; therefore, no incremental contribution to potential cumulative impacts

would occur. Moreover, the Project would implement standard pollution prevention measures during construction to ensure that downstream water quality impacts are minimized to the greatest extent possible and provide water quality measures to prevent pollution during store operations. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on storm drainage.

- *Solid Waste*: Development projects would generate construction and operational solid waste and, depending on the volumes and end uses, would be required to implement recycling and waste reduction measures. The Project includes mitigation that would divert substantial quantities of materials from the solid waste stream and contribute to conserving landfill capacity, thereby extending the operational life of such facilities. Accordingly, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on solid waste.

- *Energy*: Development projects in the PG&E service area would be required to comply with Title 24 energy efficiency standards. The incorporation of the Title 24 standards and other energy conservation measures into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on energy consumption.

(Draft EIR, pp. 6-10 to 6-13.)

10. Transportation

The Project would provide adequate off-street parking. Other projects would be required to provide adequate off-street parking facilities. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable effect on parking. The Project would also provide adequate emergency access, not create any roadway hazards, and provide sufficient access for delivery trucks and emergency response vehicles such as fire trucks. In addition, the Project would maintain the existing Santa Clara Valley Transportation Authority bus stop and provide new onsite bicycle storage facilities, thereby maintaining and improving accessibility to alternative transportation. Other projects would also be required to demonstrate that adequate emergency access is available; roadway safety hazards are not created; and public transit, bicycle, and pedestrian access are provided. Therefore, the Project, in conjunction with other projects, would not have any cumulatively considerable impacts on these transportation-related areas. Other development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, roadway operations, freeway operations, or queuing. All such projects would be required to mitigate for their fair share of impacts. The Project would result in a net increase of daily trips and trips to intersections, roadways, and queues that would operate at unacceptable levels. Mitigation is proposed that would lessen these impacts. The intersection operations and queuing impacts would be fully mitigated to a level of

less than significant and, therefore, the Project's cumulative contribution would also be less than significant. (Draft EIR, pp. 6-13 to 6-14.)

(Note that the Project's roadway operations impacts may not be fully mitigated to a level of less than significant and, as such, the Project, in conjunction with other projects, would have a cumulatively considerable contribution in this regard. [See Section I(1)(a) above for a complete discussion of this impact].)

11. Urban Decay

Other development projects in the Project vicinity would introduce new food sales and general merchandise sales to the market area. The Project is expected to generate a $13.8-million increase in grocery sales and experience a $5.9-million decrease in general merchandise sales, for a net increase of $7.1 million. The Project, in conjunction other projects, may divert enough sales from the Save Mart located in Calaveras Plaza to cause the store's closure. However, urban decay is not a foreseeable consequence of store closure because of low commercial retail vacancy rates in the market area (indicating strong re-tenanting potential) and the overall lack of physical deterioration at retail centers in the market area (indicating active maintenance and upkeep by property owners and enforcement of anti-blight ordinances by local government). It is reasonable to expect that these market conditions and enforcement of ordinances would continue, which would prevent urban decay from occurring in the future even if the combined effects of the Project and other projects lead to future store closures. Accordingly, the Project would not have any cumulatively considerable impacts on urban decay. (Draft EIR, p. 6-14.)

M. Findings Concerning Project Alternatives

Public Resources Code section 21002, a key provision of CEQA, provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects

of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- The No Project Alternative: The existing Walmart store would remain in its existing condition and no expansion would occur.

- The 50-Percent Reduction Alternative: The Walmart store would be expanded by 9,500 square feet, which represents a 50-percent reduction in expansion square footage relative to the Project. The store would retail groceries and operate 24 hours a day under this alternative.

- The Inline Retail/Restaurant Alternative: The existing Walmart store would remain unchanged and 15,000 square feet of inline retail and restaurant uses would be developed on the south side of the existing Walmart store.

The Planning Commission finds that that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The Planning Commission also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the Project. (See, e.g., Draft EIR, pp. 5-1 to 5-18.)

1. Significant and Unavoidable Impacts of the Proposed Project

Draft EIR section 5.1.1 summarized the significant and unavoidable impact of the Project. One significant effect related to transportation that cannot be avoided would occur. The significant unavoidable impact is discussed below.

- Roadway Operations: The Project would contribute trips to four roadway segments that would operate at unacceptable levels. Although all four segments would operate at unacceptable levels without the Project, the Project would increase traffic volumes by more than 1 percent of the roadway's capacity, which is considered a significant impact. Mitigation is proposed that would require the Project applicant to provide fees for roadway improvements. However, the proposed improvements may not fully mitigate the impact to a level of less than significant and, therefore, the residual significance is significant and unavoidable

(Draft EIR, p. 5-1.)

2. Project Objectives

The Project objectives are as follows:

- Positively contribute to the local economy.
- Enhance commercial retail opportunities available in the City of Milpitas.
- Create new job opportunities for local residents.
- Expand the existing Walmart store to provide the market area with an affordable shopping alternative that offers a wide variety of products to the City of Milpitas as well as the surrounding communities.
- Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
- Promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan.
- Generate tax revenues to accrue to the various agencies within the Project area.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.

(Draft EIR, p. 5-2.)

3. Analysis of Alternatives

a. The No Project Alternative: *Description of Alternative*

The No Project Alternative was analyzed in Section 5.3 of the Draft EIR. Under the No Project Alternative, the existing Walmart store would remain unchanged and no expansion would occur. The existing store would maintain its current configuration and hours of operation (7 a.m. to 11 p.m., every day), and it would not retail groceries. (Draft EIR, p. 5-2.)

b. The No Project Alternative: *Comparison to Project*

The No Project Alternative would eliminate the one significant and unavoidable impact of the Project. (Draft EIR, pp. 5-3.)

c. The No Project Alternative: *Finding*

While the No Project Alternative would result in fewer environmental impacts than the Project, the City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the Project that "make infeasible

the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, as explained below, the No Project Alternative would not meet the Project objectives to the same degree as the Project.

Fiscal objectives. Importantly, the No Project Alternative would not meet the fiscal goals of the Project to the same degree as the Project.

- It would not positively contribute to the local economy to the same degree as the Project.
- It would not create new job opportunities for local residents.
- It would not promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan.
- It would not generate increased tax revenues to accrue to the various agencies within the Project area.

As explained in the economic analysis performed for the Project, the Project is estimated to generate new store sales (in 2007 dollars) of $8 million. These net new sales would allow the Walmart store to capture some of the sales leakages in the general merchandise and food store categories. (Draft EIR, pp. 4.11-28 to 4.11-30; see also Draft EIR, Appendix I.) This alternative would result in no increase in sales tax revenues for the City.

In addition, the No Project Alternative would result in no new job opportunities. The Project would be expected to increase store employment by 85 new jobs. The California Employment Development Department indicates that, as of September 2009, there were 3,900 unemployed persons in Milpitas and 104,400 unemployed persons in Santa Clara County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force. (Draft EIR, p. 6.2; see also Final EIR, p. 4-1.)

Land use objective. The No Project Alternative would fail to meet the land use goal of the Project.

- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.

By adding a grocery component to the existing store and by extending the hours of operation, the Project may minimize travel lengths for customers that seek these services. Furthermore, the Project proposes to upgrade the existing store's elevations. The No Project Alternative fails to further these objectives.

Retail need objectives. The No Project Alternative would fail to meet some of the retail needs of the residents and would fail to achieve the Project objectives of meeting those needs.

- It would not enhance commercial retail opportunities available in the City of Milpitas to the same degree as the Project since it would not include a grocery component or 24-hour sales.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Milpitas as well as the surrounding communities to the same degree as the Project since it would not expand the store to include grocery sales.

- It would not provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment to the same degree as the Project since it would not include a grocery component or 24-hour sales.

The Project would offer 24-hour shopping opportunities for a variety of goods within the City. Not only would this meet an unmet demand, add to the convenience of the City's shoppers, and potentially reduce travel lengths for those shoppers, but it also would result in substantial additional sales taxes for the City. The No Project Alternative would fail to achieve these goals.

Moreover, the No Project Alternative would require the City to forego Project benefits. (See generally Section III.D below for a discussion of Project benefits.) Under the No Project Alternative, the City would not receive the substantial additional tax revenue from the Project and the public improvements associated with the Project would not be constructed.

For these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

d. The 50-Percent Reduction Alternative: *Description of Alternative*

Under the 50-Percent Reduction Alternative, the Walmart store would be expanded by 9,500 square feet, which represents a 50% reduction in expansion square footage relative to the Project. The expanded store would total 141,225 square feet. Similar to the Project, the expanded store would retail groceries and general merchandise and operate 24 hours a day, 7 days a week. This alternative would reconfigure the parking lot to provide 706 off-street parking spaces, for a ratio of 5 spaces per 1,000 square feet. This represents a reduction of 45 spaces relative to the Project and a reduction of 129 spaces relative to existing conditions. The removed parking spaces would be replaced with additional landscaping and pedestrian facilities. This alternative would maintain all of the Project's vehicular access points and utility connections. (Draft EIR, p. 5-3.)

e. The 50-Percent Reduction Alternative: *Comparison to Project*

The 50-Percent Reduction Alternative was analyzed in Section 5.4 of the Draft EIR. (Draft EIR, pp. 5-4 to 5-9.) The 50-Percent Reduction Alternative would have the potential to generate fewer overall impacts on aesthetics, light and glare; air quality; noise; public services and utilities; and transportation relative to the Project. All other impacts would be similar to the Project. (Draft EIR, pp. 5-4 to 5-9.) However, the significant and unavoidable impact of the

Project on transportation would persist, although the severity of the impacts would be less because it would generate fewer trips.

The following is a comparison of the Project and alternative, focusing on the significant and unavoidable impact of the Project. This alternative would generate 505 fewer daily trips relative to the Project, including 16 fewer weekday AM peak-hour trips and 61 fewer weekday PM peak-hour trips. While peak-hour trips would be reduced under this alternative, significant intersection operations, roadway operations, and queuing impacts would still occur, and the Project applicant would be required to mitigate for this impact by installing necessary improvements or providing impact fees. Although the mitigation would be similar, if not identical, to that of the Project, this alternative would be considered less severe because it would contribute fewer vehicular trips to intersections, roadways, and queues operating at unacceptable levels. (Draft EIR, p. 5-7.)

In sum, the 50-Percent Reduction Alternative would lessen the severity of impacts associated with aesthetics, light, and glare; air quality, noise; public services and utilities; and transportation, and would reduce the severity of the Project's significant and unavoidable impact to transportation, but would not eliminate this impact. This alternative would have similar impacts on all other areas as the Project. (Draft EIR, pp. 5-8.)

f. The 50-Percent Reduction Alternative: *Finding*

While the 50-Percent Reduction Alternative would result in fewer environmental impacts than the Project, the City finds this alternative infeasible and less desirable than the proposed Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, as explained below, the 50-Percent Reduction Alternative would not further the Project objectives to the same degree as the Project.

Fiscal objectives. The 50-Percent Reduction Alternative would not meet the fiscal objectives as well as the Project.

- It would not positively contribute to the local economy as much as the Project.
- It would not create as many new job opportunities for local residents.
- It would not promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan to the same extent as the Project.
- It would not generate as many tax revenues as the Project to accrue to the various agencies within the Project area.

This alternative would not meet the fiscal Project objectives as well as the Project. The economic analysis prepared for the Project indicates that this alternative would have $6.9 million fewer sales relative to the Project. (Draft EIR, p. 5-8.) Thus, this alternative would provide a much smaller sales tax base than the Project. This alternative, therefore, would provide less money to the City's general fund, which is used to provide basic services such as police and fire protection.

Land use objective. The 50-Percent Reduction Alternative would not meet the land use objective as well as the Project. In particular, it would potentially create new impacts such as underutilization of land and inefficient use of existing infrastructure because the commercial opportunities of the site would be reduced. This would ultimately mean that commercial needs within the City would continue to go unmet to some extent, or that commercial uses that could be accommodated with a more dense development on site would be pushed elsewhere in the City. This could mean that many of the environmental impacts avoided by this alternative in the short term could occur under those development scenarios in the long term.

Retail need objectives. Given its smaller size, the 50-Percent Reduction Alternative would not enhance the retail opportunities in the region to the same degree as the Project.

- It would not enhance commercial retail opportunities available in the City of Milpitas to the same degree as the Project given its smaller size.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Milpitas as well as the surrounding communities to the same degree as the Project given its smaller size.

- It would not provide a retail establishment that serves local residents and visitors with essential goods and services to the same degree as the Project given its smaller size.

Given its smaller size, this alternative would not enhance the retail opportunities in the region to the same degree as the Project. This alternative would not provide the market area with as wide a variety of goods as the Project. It would also not add to the convenience of the City's shoppers and reduce travel lengths for those shoppers to the same degree as the Project.

Moreover, the 50-Percent Reduction Alternative would not provide the Project benefits to the same degree as the Project given its smaller size. (See generally Section III.D below for a discussion of Project benefits.) Under the 50-Percent Reduction Alternative, the City would not receive as much of the substantial tax revenue as from the Project and the public improvements associated with the Project would not be constructed to the same degree because of a loss of some development impact fees needed to fund traffic improvements. Additionally, the smaller alternative would result in fewer employment opportunities than the Project.

Finally, the 50-Percent Reduction Alternative is not supported by an actual application and therefore, would translate into the Project not moving forward. Also, it would likely result in underutilization of the site for a substantial period of time into the future. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For all of these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

g. The Inline Retail/Restaurant Alternative: *Description of Alternative*

The Inline Retail/Restaurant Alternative consists of the development of 15,000 square feet of inline retail and restaurant uses in one building on the Walmart expansion pad. Retail (e.g., apparel, electronics, novelties, telecommunications) would occupy half the space and restaurant uses (e.g., quick-serve and sit-down) would occupy the other half. No food retailer tenants (e.g., grocery) would occupy the structure. The building would be attached to the south side of Walmart structure, but the tenants would operate independently of the Walmart. The Walmart store would remain unchanged and maintain its current hours of operation (7 a.m. to 11 p.m.). In total, there would be 146,725 square feet of developed uses on the Project site. Retail and restaurant uses are allowed under the current General Plan designation of General Commercial and zoning designation of General Commercial (C2); therefore, no land use designation changes would be necessary. This alternative would reconfigure the parking lot to provide 734 off-street parking spaces, for a ratio of 5 spaces per 1,000 square feet. This represents a reduction of 17 spaces relative to the Project and a reduction of 101 spaces relative to existing conditions. The removed parking spaces would be replaced with additional landscaping and pedestrian facilities. The main parking area would serve both the Walmart and the inline retail/restaurant uses. Two loading docks would be provided in the rear of the structure for the common use of all building tenants. (Draft EIR, pp. 5-8 to 5-9.)

h. The Inline Retail/Restaurant Alternative: *Comparison to Project*

The Inline Retail/Restaurant Alternative would have fewer impacts on aesthetics, light, and glare; public services and utilities; but greater impacts on air quality, noise, and transportation. The significant and unavoidable impacts on transportation would persist, although the severity of the impacts would be greater because the alternative would generate more PM peak hour trips. (Draft EIR, pp. 5-8 to 5-14.)

This alternative would generate 789 more daily trips relative to the Project, 15 fewer trips during the weekday AM peak hour, and 74 more trips during the weekday PM peak hour. Overall, there would be a substantial increase in traffic under the Inline Retail/Restaurant Alternative relative to the Project and, therefore, this alternative would create greater intersection, roadway segment, and queuing impacts. Although the mitigation would likely be similar, if not identical, to that of the Project, this alternative would have more severe impacts because it would contribute more vehicular trips to congested intersections and roadways during the PM peak hour. (Draft EIR, p. 5-12.)

In sum, the Inline Retail/Restaurant Alternative would create fewer impacts in some areas relative to the Project, but it would have greater impacts in others and would exacerbate the Project's significant and unavoidable impact, which would remain significant and unavoidable.

i. The Inline Retail/Restaurant Alternative: *Finding*

The Inline Retail/Restaurant Alternative would not result in fewer environmental impacts than the Project. In addition, the City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the … project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, the Inline Retail/Restaurant Alternative would not meet the Project objectives to the same extent as the Project.

Fiscal objectives. The Inline Retail/Restaurant Alternative would not meet the fiscal objectives as well as the Project.

- It would not positively contribute to the local economy to the same degree as the Project because it would have $3 million in fewer sales than the Project.
- It would not promote economic growth and development that is consistent with the policies of the City of Milpitas General Plan to the same degree as the Project because it would have $3 million in fewer sales than the Project.
- It would not generate as much tax revenue to accrue to the various agencies within the Project area because it would have $3 million in fewer sales than the Project.

In addition, because the economic analysis prepared for the Project indicates that this alternative would have $3 million fewer sales relative to the Project (Draft EIR, p. 5-14), this alternative would provide a smaller sales tax base than the Project.

Land use objective. The Inline Retail/Restaurant Alternative would not meet the land use objective as well as the Project. In particular, it would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible because it would not include a grocery component and 24-hour operations, which provide a one-stop shopping opportunity. It would also not result in an upgrade of the existing store's elevations, which would provide a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the existing store.

Retail need objectives. Given its lack of a grocery component and 24-hour operations, the Inline Retail/Restaurant Alternative would not enhance the retail opportunities in the region to the same degree as the Project.

- It would not enhance commercial retail opportunities available in the City of Milpitas to the same degree as the Project given its lack of 24-hour operations.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Milpitas as well as the surrounding communities to the same degree as the Project given its lack of a grocery component and 24-hour operations.

- It would not provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment to the same degree as the Project given its lack of a grocery component and 24-hour operations.

Further, given its lack of a grocery component and 24-hour operations, this alternative would not add to the convenience of the City's shoppers or reduce travel lengths for those shoppers to the same degree as the Project.

Moreover, the Inline Retail/Restaurant Alternative would not provide the Project benefits to the same degree as the Project given that it would generate fewer sales than the Project. (See generally Section III.D below for a discussion of Project benefits.) Under the Inline Retail/Restaurant Alternative, the City would not receive as much of the substantial tax revenue as from the Project.

Finally, the Inline Retail/Restaurant Alternative is not supported by an actual application and therefore, would translate into the Project not moving forward. Also, it would likely result in underutilization of the site for a substantial period of time into the future since there are no developers interested in the additional retail. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For all of these reasons, the Planning Commission rejects this alternative as infeasible within the meaning of CEQA.

4. Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative in the EIR. The No Project Alternative would have the fewest environmental impacts. CEQA requires that if the No Project Alternative is the environmentally superior alternative, then the EIR must also identify another environmentally superior alternative among the remaining alternatives. Because the 50-Percent Reduction Alternative achieves the greatest reductions in trip generation during both the AM and PM peak hour, it would be considered environmentally superior, as these are the periods when significant traffic impacts occur. Furthermore, the 50-Percent Reduction Alternative also lessens the severity of air quality and noise impacts, while the Inline Retail/Restaurant Alternative increases the severity of these impacts and, therefore, may result in new significant impacts. Therefore, the 50-Percent Reduction Alternative is the Environmentally Superior Alternative.

As discussed above, there are no feasible alternatives to the Project that would avoid or substantially lessen the significant and unavoidable impacts associated with the proposed Project.

N. Absence of Significant New Information Requiring Recirculation of Draft EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Planning Commission recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. Some comments on the Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Final EIR (Responses to Comments and Errata), none of the suggestions were found to be appropriate and feasible and, thus, were not adopted in the Final EIR or included in the MMRP. (See, generally, Final EIR.)

Notably, CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995)

37 Cal.App.4th 154, 168, fn. 11.) "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

In sum, because none of the suggestions made in the Final EIR were found to be appropriate or feasible and therefore not adopted into the document, the Draft EIR does not need to be recirculated.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the Planning Commission has balanced the economic, legal, social, technological, and other benefits of the proposed Milpitas Walmart Expansion Project against the significant and unavoidable impact associated with the proposed Project, and has adopted all feasible mitigation measures. The Planning Commission has also examined potentially feasible alternatives to the Project, none of which are feasible. The Planning Commission hereby adopts and makes the following Statement of Overriding Considerations regarding the significant and unavoidable impact of the Project and the anticipated economic, legal, social, technological, and other benefits of the Project.

A. Significant and Unavoidable Impact

Based on information contained in the Record and in the EIR, the Planning Commission has determined that the Project would result in a significant and unavoidable impact to transportation due to roadway operations. (Draft EIR, p. 4.10-74.)

B. Finding

The Planning Commission has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impact. Where feasible, mitigation measures have been adopted as part of the Project. The imposition of these measures will reduce the identified impact, but not to a less-than-significant level. The Commission finds that it is not feasible to fully mitigate this Project impact.

The Planning Commission has also considered all potentially feasible alternatives to the Project. The Planning Commission finds that there are no feasible alternatives that would reduce the above significant and unavoidable impact to a less-than-significant level.

The Project's impact discussed above therefore remains significant and unavoidable.

C. Overriding Considerations

After review of the entire administrative record, including, but not limited to, the Final EIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the Planning Commission finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impact, and therefore justify the approval of this Project notwithstanding the

identified significant and unavoidable impact. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The benefits are addressed in detail in Section III.D below.

The Planning Commission specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant unavoidable impact of the Project, which is described above in Section III.A., are acceptable because the benefits of the Project set forth below in Section III.D. outweigh it. The Planning Commission finds that each of the overriding considerations expressed as benefits and set forth below in Section III.D. constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Planning Commission will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section (III), and in the documents found in the Record of Proceedings, as defined in Section II(C).

D. Benefits of the Project

The Planning Commission has considered the EIR, the public record of proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as oral and written testimony received, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. The Project Would Strengthen the City's Tax Base.

The Project would provide additional grocery and general retail opportunities. This will result in increased property values, property tax revenues, retail activity, and additional sales tax revenue from non-grocery transactions that would not otherwise take place on the site without the expansion. Sales tax revenues would go to the City's General Fund, which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities including fire and police services, recreation programs, and public works.

2. The Project Would Create Diverse Employment Opportunities For City Residents.

The Project would generate additional employment opportunities, including temporary construction jobs as well approximately 85 new permanent full-time and part-time jobs. The majority of the permanent jobs could be filled by existing local residents. Consequently, it is reasonably expected that the City and its residents would enjoy the economic and social benefits from added employment opportunities offered by the Project.

3. The Project Would Provide a High-Quality Development Design.

The Project would provide high-quality architectural features and design elements that will enable the existing building and addition to better blend with the surrounding area and enhance the overall aesthetic quality of the area. The existing store's elevations will be upgraded to better reflect the California Ranch design theme of the surrounding commercial center.

4. *The Project Would Provide a Wide Variety of Goods and Services Desired By City Residents*.

The Project would provide a wide variety of grocery goods and services in one location. Although Walmart is a national retailer, it specifically tailors the merchandising mix of its individual stores in order to meet the demands and needs of the surrounding area.

5. *The Project Would Increase Retail Activity in an Area Designated for Commercial Growth*

The Project is located in an area designated for commercial growth in the Milpitas General Plan and the existing zoning, where economic viability can be sustained. The Project's convenient location next to Interstate 880 will utilize existing freeway infrastructure to the extent possible. Furthermore, the proposed grocery activities in the Project will complement existing smaller scale retail activities, thereby increasing overall retail activity in the Project area. The addition of groceries to a Walmart store tends to attract smaller retailers providing their own special services and goods. These smaller retailers see the benefit of locating near a Walmart store with a grocery component due to the increased customer activity in the area. This could benefit the overall shopping center and surrounding area.

6. *The Project Would Contribute to and Fund Needed Infrastructure Improvements*.

The Project would contribute to needed transportation infrastructure improvements by paying its fair share towards infrastructure improvements as well as by paying development impact fees. Amongst other things, the Project would contribute funds to the widening of the Dixon Landing Road, a need transportation improvement.

E. Determination and Adoption of Statement of Overriding Considerations

The Planning Commission has weighed the economic, legal, social, technological, and other benefits of the proposed Project, as set forth above in Section III.D, against the significant unavoidable impacts of the Project identified in the EIR (and discussed above in Section III.A).

The Planning Commission hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the Planning Commission adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report; (ii) rejected alternatives to the Project, as discussed in the

Environmental Impact Report; and (iii) recognized the significant unavoidable impacts of the Project, the Planning Commission hereby finds that each of the separate benefits of the proposed Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Milpitas Walmart Expansion Project.

Exhibit C
MITIGATION MONITORING AND REPORTING PROGRAM

EXHIBIT C

Mitigation Monitoring and Reporting Program for the Milpitas Walmart Expansion Project City of Milpitas, Santa Clara County, California

State Clearinghouse No. 2009032018

Prepared for:

City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: 408.586.3279

Contact: Cindy Hom, Assistant Planner

Prepared by:

Michael Brandman Associates
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Contact: Jason Brandman, Project Director

Michael Brandman Associates

February 18, 2010

Table 1: Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AES-1a: Prior to issuance of building permits, the project applicant shall prepare and submit a sign program to the City of Milpitas for review and approval. The sign program shall demonstrate compliance with the applicable requirements with Milpitas Municipal Code Title XI, Chapter 30. The approved sign program shall be implemented into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM AES-1b: Prior to issuance of grading or building permits, whichever comes first, the project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted prior to the issuance of the final certificate of occupancy.	Issuance of permit; Site inspection	Prior to issuance of grading or building permits (whichever comes first); Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department and Public Works Department		
MM AES-1c: Prior to issuance of the final certificate of occupancy, the project applicant shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) obtain a minor Site Development Permit Approval and install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AES-2: Prior issuance building permits, the project applicant shall ensure that all exterior lighting fixtures associated with the Walmart store (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties.	Approval of plans	Prior issuance building permits	City of Milpitas Planning and Neighborhood Services Department		
2. Air Quality					
MM AIR-3: The following measures shall be implemented during all construction activities: • Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of	Site inspection	During construction activities	City of Milpitas Building and Safety Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Regulations). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations.					
MM AIR-7a: The project applicant shall use paving materials with increased solar reflectivity in areas where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity. The applicant shall provide construction details and specifications that shall be submitted with construction drawings and installed with improvements.	Approval of plans and site inspection	Prior to issuance of Building Permit	City of Milpitas Planning and Neighborhood Services Department		
MM AIR-7b: Prior to issuance of the final certificate of occupancy, the project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
MM AIR-7c: Prior to issuance of the final certificate of occupancy, the applicant shall do the following: • Prior to building permit issuance, a secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible. Details and	Approval of plans; Site inspection; ongoing	Prior to issuance of the building permit; ongoing.	City of Milpitas Planning and Neighborhood Services Department and		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
specifications shall be included with the construction drawings. • The project applicant shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas. • During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused.			Building and Safety Department		
MM AIR-7d: Prior to issuance of the final certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures: • Public transit information in the employee breakroom. Store management shall post information such as Santa Clara Valley Transportation Authority bus and light rail schedules, maps, and fares. • Ride sharing information in the employee breakroom. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities. • Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
MM AIR-7e: To reduce construction related greenhouse gas impacts, the following measures are required: • At least 15 percent of the construction vehicles/equipment shall be fueled by an alternative source such as biodiesel and/or electric.	Submittal of documentation	During construction activities	City of Milpitas Planning and Neighborhood Services Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• At least 10 percent of all building materials shall be local (within 100 miles); and • At least 50 percent of construction and demolition materials shall be recycled. This latter provision shall be coordinated with Mitigation Measure PSU-6a.					
3. Biological Resources					
MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).	Submittal of documentation; Site inspection	Within 14 days prior to any construction-related activities during the nesting bird season (February 15 through August 31)	City of Milpitas Planning and Neighborhood Services Department		
4. Geology, Soils, and Seismicity					
MM GEO-1a: Prior to issuance of building permits, the project applicant shall submit a seismic hazards technical study prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. The report shall be prepared in accordance with the requirements of the Seismic Hazards Mapping Act and shall identify necessary design measures to reduce potential seismic ground shaking impacts to acceptable levels. The	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
project applicant shall incorporate the approved design measures into the project plans.					
MM GEO-1b: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical investigation to the City of Milpitas for review and approval. The design-level investigation shall address the potential for ground failure to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The abatement measures shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		
MM GEO-1c: Prior to issuance of building permits, the project applicant shall submit plans to the City of Milpitas for review and approval that demonstrate that the proposed project is designed in accordance with all state and local seismic safety requirements. Such requirements shall include the California Building Standards Code and Milpitas Municipal Code, Title II. The approved plans shall be incorporated into the project design.	Approval of plans	Prior to issuance of building permits	City of Milpitas Building and Safety Department		
MM GEO-4: During grading and construction, the project applicant shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. This includes the excavation of expansive soils and the subsequent replacement of such soils with non-expansive engineered fill.	Site inspection	During grading and construction	City of Milpitas Building and Safety Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
6. Hydrology and Water Quality					
MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements: • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.	Approval of plan	Prior to the issuance of grading permits	City of Milpitas Planning and Neighborhood Services Department and Engineering Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM HYD-2: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include, but are not limited to: • Strategically placed bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins • Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities • Employee training to inform store personnel of stormwater pollution prevention measures The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.	Approval of plan	Prior to the issuance of building permits	City of Milpitas Planning and Neighborhood Services Department and Engineering Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
9. Public Services and Utilities					
MM PSU-3: Prior to building permit issuance, the project applicant shall include details and specification in the construction drawings and install the following indoor water conservation measures: • Low-flow or ultra-low-flow toilets and urinals • Sensor-activated faucets in restrooms	Approval of plans	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department, Building and Safety Department and Engineering Department		
MM PSU-6a: Prior to the commencement of construction activities, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled.	Submittal of documentation	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM PSU-6b: Prior to building permit issuance, the project applicant shall show onsite facilities necessary to collect and store recyclable materials. The facilities shall include receptacles in public spaces that are of high-quality design and identify accepted materials.	Approval of plans; Site inspection	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
10. Transportation					
MM TRANS-1a: Prior to the issuance of building permits, the project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N. Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of $31,960 ($3,000 for the intersection improvement and $28,960 for the roadway widening). The fees will go towards the following intersection improvements: 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right-turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035.	Receipt of fees	Prior to the issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-1b: Prior to the issuance of final certificate of occupancy, the project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of $2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy.	Receipt of fees	Prior to the issuance of final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-3: Prior to issuance of building permits, the project applicant shall provide a traffic management fee in the amount of $180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be	Receipt of fees	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
fully funded by funds collected shall include: • McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-striped to provide two left-turn lanes and one shared through/right lane. • McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right-turn lanes for the westbound approach. • Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern Walmart driveway to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection.					
MM TRANS-5: Prior to issuance of building permits, the project applicant shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking is provided onsite complies with the Milpitas Municipal Code Parking Regulations and Development Standards. The approved site plan shall be incorporated into the proposed project.	Approval of plan (Note: Project plans submitted comply with the City's off-street parking requirements)	Prior to issuance of building permits	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-8: Prior to building permit issuance, the project applicant shall provide details and specifications for bicycle storage facilities on the construction drawings and install prior to occupancy. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that provides storage equivalent to 2 percent of the proposed project's minimum parking requirement.	Approval of plans; Site inspection	Prior to issuance of the final certificate of occupancy	City of Milpitas Planning and Neighborhood Services Department		
MM TRANS-9: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Milpitas for review and approval. The plan shall identify the timing and routing of all major construction equipment and materials deliveries to avoid	Approval of plan	Prior to commencement of construction activities	City of Milpitas Planning and Neighborhood Services Department		

Table 1 (cont.): Milpitas Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
potential traffic congestion and delays on the local street network and the McCarthy Ranch Marketplace, and to encourage the use of I-880 and SR-237. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours (e.g., mornings or evenings) to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.					

RESOLUTION NO. 10-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO. UA09-0002, SITE DEVELOPMENT PERMIT NO. SA09-0003, WALMART EXPANSION PROJECT, A REQUEST TO ALLOW FOR AN 18,457 SQUARE FOOT BUILDING EXPANSION TO ACCOMMODATE GROCERY AND ALCOHOL SALES AND FOR THE INSTALLATION OF RELATED BUILDING AND SITE IMPROVEMENTS FOR THE PROPERTY LOCATED AT 301 RANCH DRIVE (APN 22-29-016), MILPITAS, CA 95035.

WHEREAS, on January 26, 2009, an application was submitted by John Clarke with Walmart Stores, Inc. to allow for an 18,457 square foot building expansion, remodel of the exterior building façade, installation of associated site improvements, replacement of existing signage with Walmart's new corporate branding, and an amendment to the existing conditional use permit to allow for grocery and alcohol sales. The property is located within the General Commercial Zoning District and Site and Architectural Overlay (C2-S); and

WHEREAS, on March 24, 2010, the Planning Commission held a duly noticed public hearing on the Project's development applications and reviewed an Environmental Impact Report prepared for the project in accordance with the California Environmental Quality Act ("CEQA") ("Walmart EIR"), which identifies the potential for significant effects on the environment from development of the Project. The Planning Commission, after review of the submitted materials, found by separate resolution that the Walmart EIR was completed in compliance with CEQA and the CEQA Guidelines.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is consistent with the following General Plan's Guiding Principles and Implementing Policies:

a. Policy 2.a-G-1: The project maintains a land use program that balances Milpitas regional and local roles in that the location is suitable and appropriate for this land use. The project is located within the McCarthy Ranch Marketplace Shopping Center, which serves as a regional shopping destination given its proximity to freeway (I-880 and SR-237), affords a pleasant and secure shopping environment, provides a public convenience to daily necessities and products of residents and visitors, and is compatible with the neighboring commercial and office uses.

b. Policy 2.a-I-3: The project encourages economic pursuits which will strengthen and promote development through stability and balance by a diverse retail facility.

c. Policy 2.a-I-6: The project maintains a balanced economic base that can resist downturns in any one economic sector in that it offers a "one-stop" shopping experience by

adding grocery sales to other services already provided such as optometry services, general merchandise sales, pharmacy, and photo center.

d. Policy 2.a-I-7: The project provides opportunities to expand employment in Milpitas by providing opportunities for temporary and permanent jobs within the construction and service industries.

e. Policy 2.a-I-10**:** The project fosters community pride and growth through beautification of an existing development by renovating the site with façade and associated site improvements that provide architectural continuity with the adjacent McCarthy Ranch Marketplace retail buildings with the use of decorative elements such as new metal trellises, bicycle racks, and seating areas.

f. Policy 3.a-G-2, 3.a-I-1, 3.b-I-2, and 3.d-G-1: The project strives to maintain acceptable level of service standards for major streets and intersections, CMP LOS standards and goals for the CMP Roadway System in Milpitas, and enhance pedestrian connections. As conditioned, the project would implement all feasible mitigation for its traffic impacts, which include payment of its fair share contribution towards traffic improvements, the installation of necessary improvements related to the pedestrian crosswalks and Santa Clara Valley Transit Authority ("VTA") bus shelter pad upgrades.

Section 3: The project conforms to the Milpitas Zoning Ordinance in that:

a. The expansion leading to the proposed grocery and alcohol sales are conditionally permitted in the General Commercial Zoning Districts with the approval of a conditional use permit.

b. The land use is also consistent with the purpose and intent of the General Commercial Zoning district in that the project affords a pleasant shopping environment that provides a range of retail and services necessary to support the daily needs of residents and visitors to Milpitas.

Section 4: With respect to the Site Development Permit, the layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development in that the façade improvements and site modification will provide architectural continuity with the adjacent shopping center and nearby office buildings; maintain the existing landscaping theme; enhances pedestrian circulation; and contributes toward traffic improvements on adjacent roadway system.

Section 5: The project conforms to General Commercial and Parking Ordinance development standards and regulations in that the proposed building expansion and associated improvements are within the development envelope stipulated by required setbacks and limitations for height and floor area ratio. The parking requirements are satisfied with on-site parking spaces.

Section 6: The project will not be injurious or detrimental to property, improvements or to public health and safety, and general welfare in that the project is suitable and appropriate at

this location given that the existing Walmart store is located in a regional shopping center near employment centers, freeways and future residential development planned on Murphy Ranch Road as well as the greater Milpitas residential areas.

Section 7: The Planning Commission of the City of Milpitas hereby approves, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 24, 2010

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on March 24, 2010, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Lawrence Ciardella				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Mark Tiernan				
Steve Tao				
Erik Larsen				

EXHIBIT 1

CONDITIONS OF APPROVAL
(Conditional Use Permit Amendment UA09-0002 & Site Development Permit Amendment SA09-0003)

An 18,457 square foot building expansion, remodel of the exterior building façade, installation of associated site improvements, replacement of existing signage with Walmart's new corporate branding, and an amendment to the existing conditional use permit to allow for grocery and alcohol sales.

General

1. The previous conditions of approval for the project (UP 1163) shall remain in full force and effect except as modified here. (P)

2. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on March 24, 2010, in accordance with these Conditions of Approval.

   Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. (P)

3. Conditional Use Permit Amendment No. UA09-0003 and Site Development Permit Amendment No. SA09-0002 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner. (P)

   Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Conditional Use Permit Amendment No. UA09-0003 and Site Development Permit Amendment No. SA09-0002 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

4. The project shall be operated in accordance with all local, state and federal regulations. (P)

5. Private Job Account - If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)

6. The applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void or annul, an approval of the city, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including action approved by voters of the City, concerning the project and the approvals granted herein. Furthermore, applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, against any and all claims, actions, suit, proceeding, or judgments against any governmental entity in which applicant is subject to that other governmental entity's approval and a condition of such approval is that city indemnify and defend such governmental entity. City shall promptly notify the applicant of any claim, action or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the city, any agency, or instrumentality thereof, or any of its officers, officials, employees, or agents. (P)

Site Development Permit

7. Prior to issuance of building permit, a detailed landscape plan shall be submitted and approved by the Planning Director or designee that includes the following the following:

    a. Locations and screening of all transformers and utility devices including backflow preventers.
    b. Location and type of trees, shrubs and ground cover, including sizes and quantities. The legend shall also show tree canopy diameter at planting, five years and 10 years.
    c. Plan details for all fence and wall structures. These shall be compatible in style and material with the proposed buildings. (P)

8. Prior to issuance of an occupancy permit, the required landscaping shall be planted an in place. (P)

9. All planter areas shall be serviced by a sprinkler head or drip system. (P)

10. All approved landscaping shall be permanently maintained and replaced in kind as necessary to provide a permanent, attractive and effective appearance. (P)

11. Prior to the issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or

allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

12. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The subject study shall recommend adequate drainage facilities to properly accept and convey drainage flows. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)

13. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Ranch Drive, including but not limited to the, installation of new pedestrian crosswalk and ped-flashing warning signals, new mid block ramp, signage and striping, and installation of new median, as shown on the Engineering Services Exhibit "S" dated 2/10/2009. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. All public improvements shall be constructed to the city Engineer's satisfaction and accepted by the City prior to building occupancy permit issuance. (E)

14. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
    - Storm water connection fee of **$44,000** ((14.56 acres @ $21,562 per acre) * (18457sf proposed / 131725sf existing)).
    - Sewer Needs Questionnaire and/or Industrial Waste Questionnaire to be submitted with the building permit application; and the Treatment Plant Fee to be paid for prior to building permit issuance.

    Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).

15. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit, and 2.5% building permit automation fee. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. (E)

16. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City

easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. (E)

17. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 2/10/2009) in the design plans and submit three sets of civil engineering drawings showing all public improvements to the Land Development Engineer for plan check. (E)

18. The applicant shall obtain necessary approvals for the installation of VTA bus stop improvements consisting of retention of the bus stop in its existing location, and installation a 7-foot by 20-foot Portland cement concrete shelter pad behind the sidewalk/passenger waiting pad with retaining wall prior to building occupancy.

19. The applicant/developer shall comply with and mitigate for all conditions and mitigation measure set by the approved EIR for the project.

20. The applicant shall work with and negotiate in good faith with the adjacent property owner to obtain permission for the design and construction of striped pedestrian crossing and associated median and/or ramp modifications at the shared driveway for McCarthy Ranch Marketplace and Walmart entrances.

Conditional Use Permit

21. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)

22. Prior to issuance of a certificate of occupancy, the business owner shall post signs (in English, Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage. (P)

23. The preparation and storage of food is not permitted outside of the establishment. (P)

24. Business owner shall comply with best management practices for the handling and disposal of solid and food wastes, as permitted by and in compliance with local and state solid waste disposal regulations. (P)

25. The operator shall be responsible for ensuring that all employees receive `Responsible Alcoholic Beverage Service' training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request. (P) (PD)

26. Comply with all Department of Alcoholic Beverage Control licensing requirements pertaining to the sale of beer, wine and distilled spirits. (P) (PD)

27. The applicant shall incorporate practices and procedures to prohibit consumption of alcohol in the parking lot by having associates regularly patrol the parking lot areas while collecting shopping carts, and report any inappropriate activity to the store manager. (P) (PD)

28. Applicant shall conduct a crime survey of the area to evaluate the security needs for the store and implement a security plan based on this analysis to the approval of the Milpitas Police Department. (P) (PD)

29. The applicant shall establish a parking lot patrol that assists customers, ensures safety, and takes action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours, and a plainclothes patrol inside the store to ensure safety and security. (P) (PD)

30. The applicant shall install and maintain in good repair a closed-circuit camera surveillance system for inside and outside of the store. (P) (PD)

Mitigation Measures

31. MM AES-1a: Prior to issuance of building permits, the project applicant shall prepare and submit a sign program to the City of Milpitas for review and approval. The sign program shall demonstrate compliance with the applicable requirements with Milpitas Municipal Code Title XI, Chapter 30. The approved sign program shall be implemented into the proposed project. (P)

32. MM AES-1b: Prior to issuance of grading or building permits, whichever comes first, the project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more measured at 4.5 feet above ground level. Replacement of such trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio. All replacement trees shall be planted prior to the issuance of the final certificate of occupancy. (P) (PW)

33. MM AES-1c: Prior to issuance of the final certificate of occupancy, the project applicant shall do one of the following: 1) permanently remove all shipping containers from the project site; or 2) obtain a minor Site Development Permit Approval and install screening measures in accordance with Zoning Ordinance requirements. If the second option is pursued, outdoor storage of containers shall occur in a completely enclosed building or behind a visually obscure solid wall or tight board fence a minimum 6 feet in height and outside any front or street side yard setback area. (P)

34. MM AES-2: Prior issuance building permits, the project applicant shall ensure that all exterior lighting fixtures associated with the Walmart store (building-mounted and freestanding) are shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties. (P)

35. MM AIR-3: The following measures shall be implemented during all construction activities:

    - Water all active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) at least two times per day.
    - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
    - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
    - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
    - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
    - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
    - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
    - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
    - Post a publicly visible sign with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Bay Area Air Quality Management District shall also be visible to ensure compliance with applicable regulations. (P) (B)

36. MM AIR-7a: The project applicant shall use paving materials with increased solar reflectivity in areas where pavement is replaced. Such materials shall use light-colored aggregate or other appropriate methods to achieve high solar reflectivity. The applicant shall provide construction details and specifications that shall be submitted with construction drawings and installed with improvements. (P)

37. MM AIR-7b: Prior to issuance of the final certificate of occupancy, the project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than five (5) minutes. (P)

38. MM AIR-7c: Prior to issuance of the final certificate of occupancy, the applicant shall do the following:

    - Prior to building permit issuance, a secondary closed loop system shall be evaluated and implemented, if found to be technically and economically feasible. Details and specifications shall be included with the construction drawings.
    - The project applicant shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Milpitas.
    - During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant is not the same type as is proposed in the new system or more leakage would occur if the refrigerants are reused. (P) (B)

39. MM AIR-7d: Prior to issuance of the final certificate of occupancy, the project applicant shall provide the following Transportation Demand Management measures:

    - Public transit information in the employee breakroom. Store management shall post information such as Santa Clara Valley Transportation Authority bus and light rail schedules, maps, and fares.
    - Ride sharing information in the employee breakroom. Store management shall facilitate ride sharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.
    - Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. (P)

40. MM AIR-7e: To reduce construction related greenhouse gas impacts, the following measures are required:
    At least 15 percent of the construction vehicles/equipment shall be fueled by an alternative source such as biodiesel and/or electric. (P)

41. MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14). (P)

42. MM GEO-1a: Prior to issuance of building permits, the project applicant shall submit a seismic hazards technical study prepared by a qualified geotechnical engineer to the City of Milpitas for review and approval. The report shall be prepared in accordance with the requirements of the Seismic Hazards Mapping Act and shall identify necessary design measures to reduce potential seismic ground shaking impacts to acceptable levels. The project applicant shall incorporate the approved design measures into the project plans. (B)

43. MM GEO-1b: Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical investigation to the City of Milpitas for review and approval. The design level investigation shall address the potential for ground failure to occur onsite and identify abatement measures to reduce the potential for such an event to acceptable levels. The abatement measures shall be incorporated into the project design. (B)

44. MM GEO-1c: Prior to issuance of building permits, the project applicant shall submit plans to the City of Milpitas for review and approval that demonstrate that the proposed project is designed in accordance with all state and local seismic safety requirements. Such requirements shall include the California Building Standards Code and Milpitas Municipal Code, Title II. The approved plans shall be incorporated into the project design. (B)

45. MM GEO-4: During grading and construction, the project applicant shall adhere to all applicable recommendations for abating expansive soil conditions contained in the Geotechnical Engineering Investigation or comparable geotechnical study. This includes the excavation of expansive soils and the subsequent replacement of such soils with non-expansive engineered fill. (B)

46. MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual

water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.

- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. (P) (B) (E)

47. MM HYD-2: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include, but are not limited to:

    - Strategically placed bio-swales and landscaped areas that promote percolation of runoff
    - Pervious pavement
    - Roof drains that discharge to landscaped areas
    - Trash enclosures with screen walls
    - Stenciling on storm drains
    - Curb cuts in parking areas to allow runoff to enter landscaped areas
    - Rock-lined areas along landscaped areas in parking lots, Catch basins, Oil/water separators
    - Regular sweeping of parking areas and cleaning of storm drainage facilities
    - Employee training to inform store personnel of stormwater pollution prevention measures
    - The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations. (P) (E)

48. MM PSU-3: Prior to building permit issuance, the project applicant shall include details and specification in the construction drawings and install the following indoor water conservation measures:

    - Low-flow or ultra-low-flow toilets and urinals
    - Sensor-activated faucets in restrooms (P) (B)

49. MM PSU-6a: Prior to the commencement of construction activities, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled. (E)

50. MM PSU-6b: Prior to building permit issuance, the project applicant shall show onsite facilities necessary to collect and store recyclable materials. The facilities shall include

receptacles in public spaces that are of high-quality design and identify accepted materials. (E)

51. MM TRANS-1a: Prior to the issuance of building permits, the project applicant shall provide fair-share fees to the City of Milpitas for improvements to the Dixon Landing Road/N.Milpitas Boulevard intersection and the widening of Dixon Landing Road in the amount of $31,960 ($3,000 for the intersection improvement and $28,960 for the roadway widening). The fees will go towards the following intersection improvements: 1) modifying the signal operation to include a southbound right-turn overlap and subsequent signal timing optimization or 2) adding a northbound left turn lane, a southbound right-turn lane, and eastbound left-turn and right turn lanes. The widening shall consist of adding an additional lane in each direction between I-880 and N. Milpitas Boulevard. Both improvements are identified in the Valley Transportation Plan 2035. (P) (E)

52. MM TRANS-1b: Prior to the issuance of final certificate of occupancy, the project applicant shall provide the City of Milpitas the full cost of signal timing modifications at the N. McCarthy Boulevard/Ranch Drive (south) intersection in the estimated amount of $2,500 dollars. The modifications shall consist of re-timing the signal to increase the current cycle length. This mitigation measure shall not apply if the signal timing is modified prior to the applicant seeking the final certificate of occupancy. (P) (E)

53. MM TRANS-3: Prior to issuance of building permits, the project applicant shall provide a traffic management fee in the amount of $180,000 to the City of Milpitas. The fees shall be used for circulation and traffic operation improvements within the City of Milpitas, including signal coordination and intersection improvements. Specific improvements that shall be fully funded by funds collected shall include:

    - McCarthy Boulevard/Technology Drive: The eastbound approach shall be re-striped to provide two left-turn lanes and one shared through/right lane.
    - McCarthy Boulevard/SR-237 Westbound Ramps: An additional westbound right-turn lane shall be constructed to provide two left-turn lanes, two through lanes, and two right turn lanes for the westbound approach.
    - Ranch Drive: The roadway shall be restriped to extend the existing two-way left-turn lane from the northern Walmart driveway to the end of the existing westbound left-turn lane at the McCarthy Boulevard/Ranch Drive (North) intersection. (P) (E)

54. MM TRANS-5: Prior to issuance of building permits, the project applicant shall prepare and submit a site plan to the City of Milpitas that demonstrates that off-street parking is provided on-site complies with the Milpitas Municipal Code Parking Regulations and Development Standards. The approved site plan shall be incorporated into the proposed project. (P)

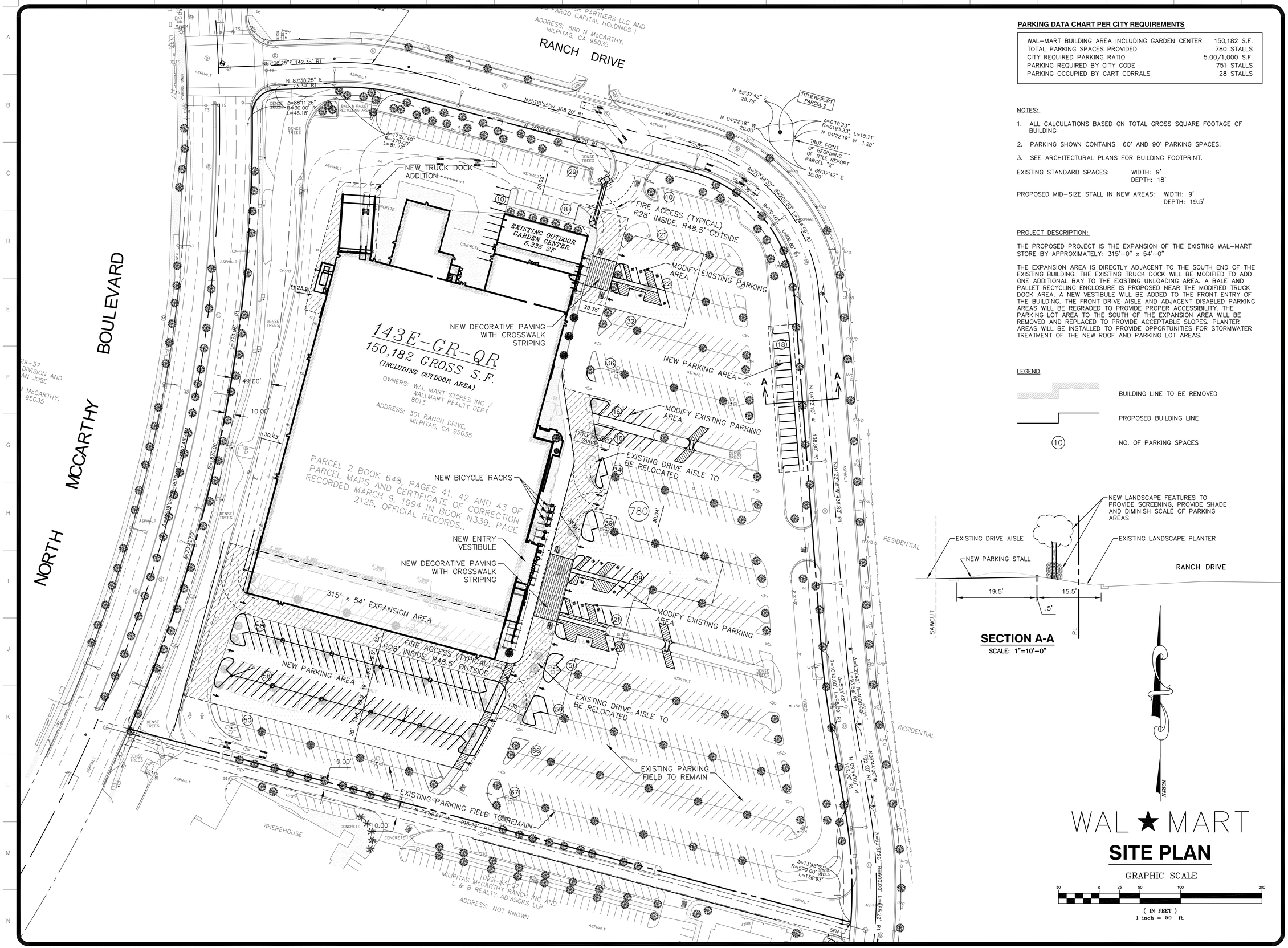
55. MM TRANS-8: Prior to building permit issuance, the project applicant shall provide details and specifications for bicycle storage facilities on the construction drawings and install prior to occupancy. Bicycle storage facilities shall consist of at least one rack located in a visible and convenient location (e.g., near the store entrance) and that

provides storage equivalent to 2 percent of the proposed project's minimum parking requirement. (P)

56. MM TRANS-9: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Milpitas for review and approval. The plan shall identify the timing and routing of all major construction equipment and materials deliveries to avoid potential traffic congestion and delays on the local street network and the McCarthy Ranch Marketplace, and to encourage the use of I-880 and SR-237. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours (e.g. mornings or evenings) to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking. (P) (E)

Key:
(P) – Planning Division
(E) – Engineering Division
(F) – Fire Prevention Division
(PW) – Public Works Department
(PD) – Police Department
(B) – Building & Safety Division

ATTACHMENT C



PARKING DATA CHART PER CITY REQUIREMENTS

WAL–MART BUILDING AREA INCLUDING GARDEN CENTER	150,182 S.F.
TOTAL PARKING SPACES PROVIDED	780 STALLS
CITY REQUIRED PARKING RATIO	5.00/1,000 S.F.
PARKING REQUIRED BY CITY CODE	751 STALLS
PARKING OCCUPIED BY CART CORRALS	28 STALLS

NOTES:

1. ALL CALCULATIONS BASED ON TOTAL GROSS SQUARE FOOTAGE OF BUILDING
2. PARKING SHOWN CONTAINS 60° AND 90° PARKING SPACES.
3. SEE ARCHITECTURAL PLANS FOR BUILDING FOOTPRINT.

EXISTING STANDARD SPACES: WIDTH: 9'
DEPTH: 18'

PROPOSED MID–SIZE STALL IN NEW AREAS: WIDTH: 9'
DEPTH: 19.5'

PROJECT DESCRIPTION:

THE PROPOSED PROJECT IS THE EXPANSION OF THE EXISTING WAL–MART STORE BY APPROXIMATELY: 315'–0" x 54'–0"

THE EXPANSION AREA IS DIRECTLY ADJACENT TO THE SOUTH END OF THE EXISTING BUILDING. THE EXISTING TRUCK DOCK WILL BE MODIFIED TO ADD ONE ADDITIONAL BAY TO THE EXISTING UNLOADING AREA. A BALE AND PALLET RECYCLING ENCLOSURE IS PROPOSED NEAR THE MODIFIED TRUCK DOCK AREA. A NEW VESTIBULE WILL BE ADDED TO THE FRONT ENTRY OF THE BUILDING. THE FRONT DRIVE AISLE AND ADJACENT DISABLED PARKING AREAS WILL BE REGRADED TO PROVIDE PROPER ACCESSIBILITY. THE PARKING LOT AREA TO THE SOUTH OF THE EXPANSION AREA WILL BE REMOVED AND REPLACED TO PROVIDE ACCEPTABLE SLOPES. PLANTER AREAS WILL BE INSTALLED TO PROVIDE OPPORTUNITIES FOR STORMWATER TREATMENT OF THE NEW ROOF AND PARKING LOT AREAS.

LEGEND

BUILDING LINE TO BE REMOVED

PROPOSED BUILDING LINE

(10) NO. OF PARKING SPACES

SECTION A-A
SCALE: 1"=10'–0"

WAL ★ MART

SITE PLAN

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

REVISIONS	BY

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DRAWN	STB
CHECKED	SI
DATE	03/05/10
SCALE	1"=50'–0"
JOB NO.	WM1121
SHEET	SP-1

OF XX SHEETS

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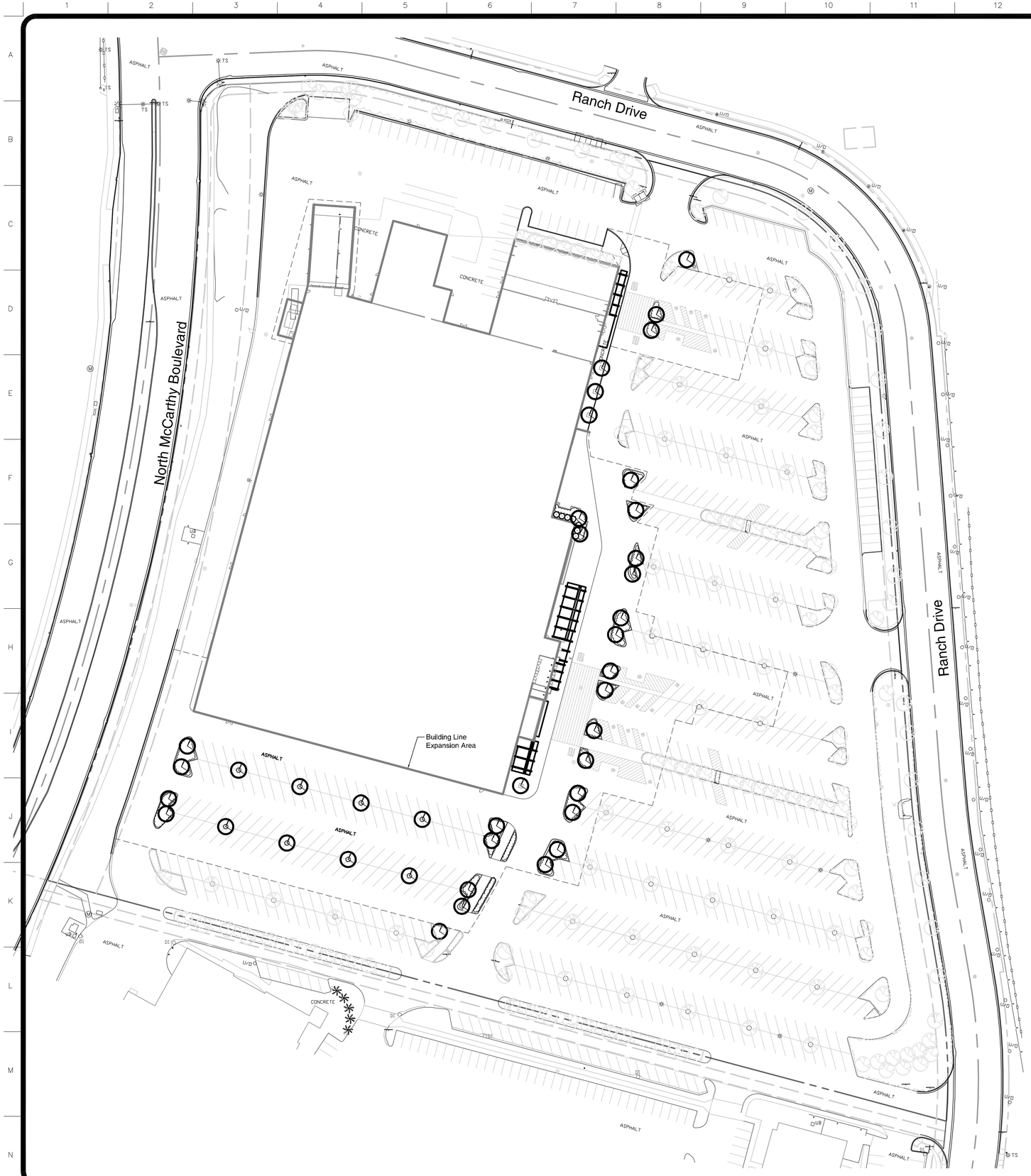

Preliminary Plant Legend

Symbol	Botanical Name	Common Name	Size	Notes	Water Use	Mature Size
Existing Trees to Remain						
	Eriobotrya deflexa	Loquat	See Tree Survey	Standard	Low	See Tree Survey
	Lagerstroemia x. Fauriei 'Natchez'	Crape Myrtle	See Tree Survey	Multi-Trunk	Medium	See Tree Survey
	Olea europea	Olive	See Tree Survey	Standard	Low	See Tree Survey
	Platanus acerifolia ' Bloodgood'	London Plane Tree	See Tree Survey	Standard	Medium	See Tree Survey
	Pyrus c. 'Aristocrat'	Aristocrat Pear	See Tree Survey	Standard	Medium	See Tree Survey
	Rhus Lancea	African Sumac	See Tree Survey	Multi-Trunk	Low	See Tree Survey
	Tristania Conferta	Brisbane Box	See Tree Survey	Standard	Low	See Tree Survey
Existing Trees to be Removed - See Tree Survey sheet L-2 for location						
	Eriobotrya deflexa	Loquat	See Tree Survey	Standard	Low	See Tree Survey
	Pyrus c. 'Aristocrat'	Aristocrat Pear	See Tree Survey	Standard	Medium	See Tree Survey
	Tristania Conferta	Brisbane Box	See Tree Survey	Standard	Low	See Tree Survey
Proposed Trees						
	Eriobotrya deflexa Size in 5 years - 8' w. x 15' h. Years to maturity - 15	Loquat	24" Box	Standard	Low	15' w. x 25'h.
	Tristania Conferta Size in 5 years - 10' w. x 20' h. Years to maturity - 15	Brisbane Box	24" Box	Standard	Low	20' w. x 40'h.
Existing Shrubs to Remain						
	Dietes vegeta	Fortnight Lily	Existing		Low	30" w. x 30" h.
	Hemerocallis 'Stella Doro'	Daylily	Existing		Medium	24" w. x 30" h.
	Hebe species	Hebe	Existing		Medium	24" w. x 24" h.
	Pittosporum undulatum	Victorian Box	Existing		Low	60"w. x 60"h.
	Rhaphiolepis species	India Hawthorne	Existing		Low	36"w. x 36"h.
Proposed Shrubs						
	Dietes vegeta	Fortnight Lily	5 Gallon		Low	30" w. x 30" h.
	Hemerocallis 'Stella Doro'	Daylily	5 Gallon		Medium	24" w. x 30" h.
	Rhaphiolepis i. 'Ballerina'	Dwarf India Hawthorne	1 Gallon		Low	24"w. x 18"h.
	Rhaphiolepis i. 'Jack Evans'	India Hawthorne	5 Gallon		Low	36"w. x 36"h.

Preliminary Plan Notes

1. Scope of work includes landscape improvements to existing building and site.
2. This plan is diagrammatic, intended to convey the overall layout and character of the proposed design. Modifications to the size and/or layout of individual landscape elements may be necessary during the generation of construction documents.
3. An Irrigation System will be provided that will include an Automatic Irrigation Controller capable of multiple station operation and cycles, and will include a rain sensor to prevent over watering during rain events. The Irrigation System will utilize spray, bubblers and/or drip emission systems for application of water.
4. Trees planted within 5' of any wall or paved surface shall require the installation of root barriers.
5. Trees shall not be installed within 5' of a Fire Hydrant.
6. Trees shall not be planted within any designated drainage, sewer, or water easement.
7. Tree preservation and/or replacement shall comply with the requirements of the local Tree Preservation Ordinance. Refer to the Existing Tree Survey, sheet L2 for more information on existing trees.
8. Total square footage of existing landscaping to remain (not including trees planted in existing tree wells in parking lot): 62,656 square feet.
   Total square footage of new landscaping (not including trees planted in existing tree wells in parking lot): 5,611 square feet.
9. Existing plant material shall be maintained in a healthy growing condition throughout the construction period. All dead plant material shall be replaced at no cost to the owner.
10. The existing site irrigation system is served by recycled water per South Bay Water Recycling Standards and Department of Health regulations and rules.

Note:
See Sheet L-2 for Tree Survey and L-3 for Tree Survey Data Table

0' 50' 100' 150'
Scale 1"=50'-0"
PN82808

Preliminary Planting Plan

The HLA Group Landscape Architects & Planners, Inc.
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916.447.7400 / 916.447.8270 fax / www.hlagroup.com

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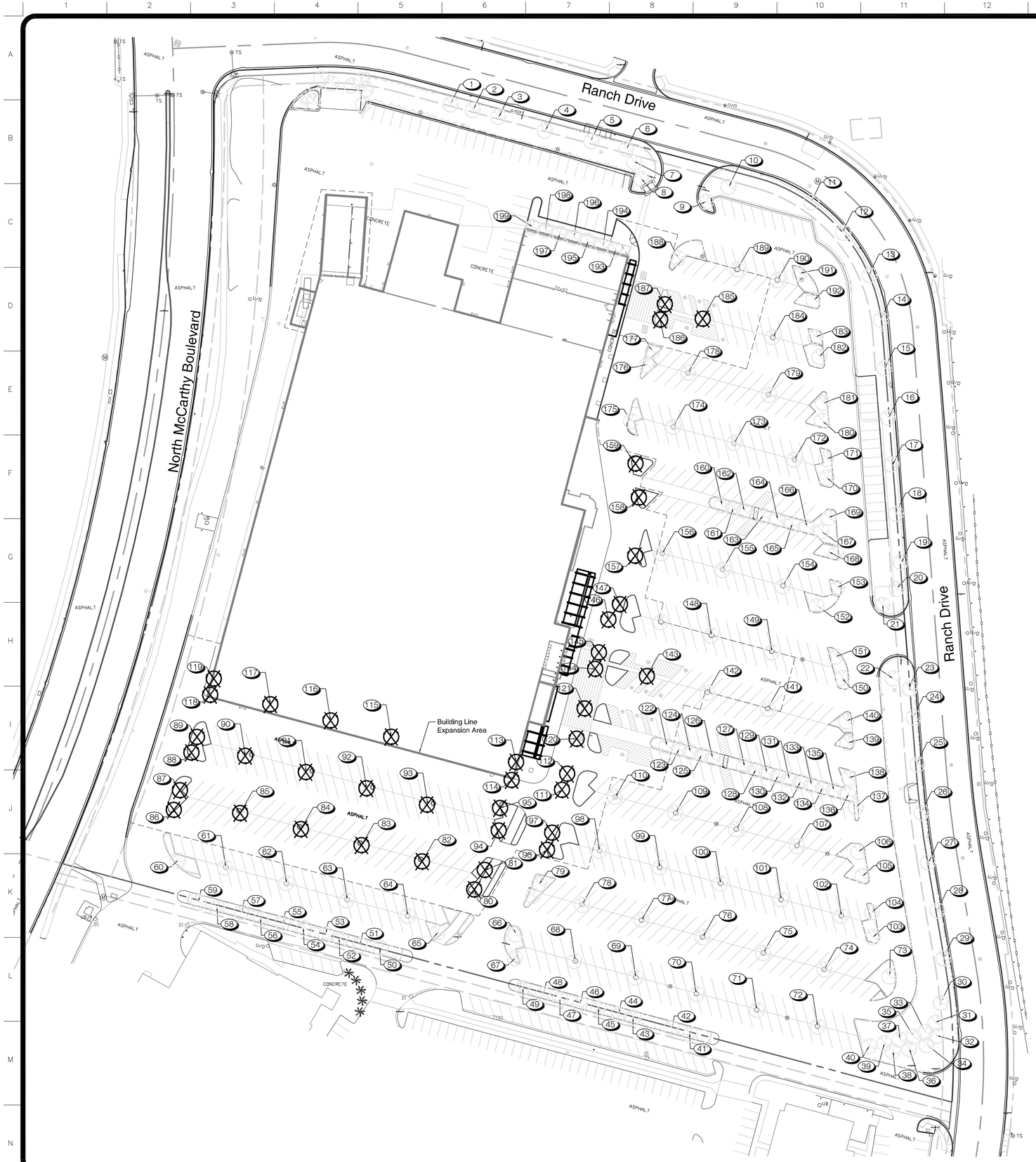
LICENSED LANDSCAPE ARCHITECT
JOHN H. NICOLAUS
CRLA 3266
Signature
9.30.09
Renewal Date
Date
STATE OF CALIFORNIA

WAL–MART MILPITAS EXPANSION
301 RANCH DRIVE, MILPITAS, CA
WAL–MART STORES, INC.
2001 SE 10TH STREET, BENTONVILLE, AR 72716

DRAWN	AS
CHECKED	SMC
DATE	4.08.09
SCALE	1"=50'-0"
JOB NO.	82808
SHEET	L-1
OF	XX SHEETS



Preliminary Plant Legend

Symbol	Botanical Name	Common Name	Size	Notes	Water Use	Mature Size
Existing Trees to Remain						
	Eriobotrya deflexa	Loquat	See Tree Survey	Standard	Low	See Tree Survey
	Lagerstroemia x. Fauriei 'Natchez'	Crape Myrtle	See Tree Survey	Multi-Trunk	Medium	See Tree Survey
	Olea europea	Olive	See Tree Survey	Standard	Low	See Tree Survey
	Platanus acerifolia ' Bloodgood'	London Plane Tree	See Tree Survey	Standard	Medium	See Tree Survey
	Pyrus c. 'Aristocrat'	Aristocrat Pear	See Tree Survey	Standard	Medium	See Tree Survey
	Rhus Lancea	African Sumac	See Tree Survey	Multi-Trunk	Low	See Tree Survey
	Tristania Conferta	Brisbane Box	See Tree Survey	Standard	Low	See Tree Survey
Existing Trees to be Removed - See Tree Survey sheet L-2 for location						
	Eriobotrya deflexa	Loquat	See Tree Survey	Standard	Low	See Tree Survey
	Pyrus c. 'Aristocrat'	Aristocrat Pear	See Tree Survey	Standard	Medium	See Tree Survey
	Tristania Conferta	Brisbane Box	See Tree Survey	Standard	Low	See Tree Survey
Proposed Trees						
	Eriobotrya deflexa Size in 5 years - 8' w. x 15' h. Years to maturity - 15	Loquat	24" Box	Standard	Low	15' w. x 25'h.
	Tristania Conferta Size in 5 years - 10' w. x 20' h. Years to maturity - 15	Brisbane Box	24" Box	Standard	Low	20' w. x 40'h.
Existing Shrubs to Remain						
	Dietes vegeta	Fortnight Lily	Existing		Low	30" w. x 30" h.
	Hemerocallis 'Stella Doro'	Daylily	Existing		Medium	24" w. x 30" h.
	Hebe species	Hebe	Existing		Medium	24" w. x 24" h.
	Pittosporum undulatum	Victorian Box	Existing		Low	60"w. x 60"h.
	Rhaphiolepis species	India Hawthorne	Existing		Low	36"w. x 36"h.
Proposed Shrubs						
	Dietes vegeta	Fortnight Lily	5 Gallon		Low	30" w. x 30" h.
	Hemerocallis 'Stella Doro'	Daylily	5 Gallon		Medium	24" w. x 30" h.
	Rhaphiolepis i. 'Ballerina'	Dwarf India Hawthorne	1 Gallon		Low	24"w. x 18"h.
	Rhaphiolepis i. 'Jack Evans'	India Hawthorne	5 Gallon		Low	36"w. x 36"h.

See Sheet L-3 for Tree Survey Data Table

0' 50' 100' 150'
Scale 1"=50'-0" PN82808

Existing Tree Survey

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DRAWN	AS
CHECKED	SMC
DATE	4.08.09
SCALE	1"=50'–0"
JOB NO.	82808
SHEET	L-2
OF	XX SHEETS

Tree Survey Table

Number	Botanical Name	Standard / Multi-Trunk	Trunk circumference at 4' from ground	Retained / Removed
1	Platanus acerifolia ' Bloodgood'	Standard	27"	Retain
2	Platanus acerifolia ' Bloodgood'	Standard	27"	Retain
3	Platanus acerifolia ' Bloodgood'	Standard	22"	Retain
4	Platanus acerifolia ' Bloodgood'	Standard	25"	Retain
5	Platanus acerifolia ' Bloodgood'	Standard	26"	Retain
6	Rhus Lancea	Multi-Trunk	11", 18", 19", 13", 13"	Retain
7	Rhus Lancea	Multi-Trunk	20", 8", 12", 10", 9"	Retain
8	Rhus Lancea	Multi-Trunk	20", 10", 7", 10"	Retain
9	Rhus Lancea	Multi-Trunk	11", 13", 16"	Retain
10	Rhus Lancea	Multi-Trunk	11", 11", 11", 13", 13"	Retain
11	Platanus acerifolia ' Bloodgood'	Standard	28"	Retain
12	Platanus acerifolia ' Bloodgood'	Standard	24"	Retain
13	Platanus acerifolia ' Bloodgood'	Standard	22"	Retain
14	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
15	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
16	Platanus acerifolia ' Bloodgood'	Standard	22"	Retain
17	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
18	Platanus acerifolia ' Bloodgood'	Standard	17"	Retain
19	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
20	Rhus Lancea	Multi-Trunk	7", 9", 9", 11"	Retain
21	Rhus Lancea	Multi-Trunk	18", 11", 11", 13"	Retain
22	Rhus Lancea	Multi-Trunk	13", 13"	Retain
23	Rhus Lancea	Multi-Trunk	11", 13", 13"	Retain
24	Platanus acerifolia ' Bloodgood'	Standard	22"	Retain
25	Platanus acerifolia ' Bloodgood'	Standard	18"	Retain
26	Platanus acerifolia ' Bloodgood'	Standard	19"	Retain
27	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
28	Platanus acerifolia ' Bloodgood'	Standard	20"	Retain
29	Platanus acerifolia ' Bloodgood'	Standard	21"	Retain
30	Platanus acerifolia ' Bloodgood'	Standard	22"	Retain
31	Lagerstroemia x. Faurlei 'Natchez'	Standard	23"	Retain
32	Lagerstroemia x. Faurlei 'Natchez'	Standard	17"	Retain
33	Lagerstroemia x. Faurlei 'Natchez'	Standard	20"	Retain
34	Lagerstroemia x. Faurlei 'Natchez'	Standard	21"	Retain
35	Lagerstroemia x. Faurlei 'Natchez'	Standard	20"	Retain
36	Lagerstroemia x. Faurlei 'Natchez'	Standard	18"	Retain
37	Lagerstroemia x. Faurlei 'Natchez'	Standard	19"	Retain
38	Lagerstroemia x. Faurlei 'Natchez'	Standard	19"	Retain
39	Lagerstroemia x. Faurlei 'Natchez'	Standard	22"	Retain
40	Lagerstroemia x. Faurlei 'Natchez'	Standard	23"	Retain
41	Tristania Conferta	Standard	20"	Retain
42	Tristania Conferta	Standard	20"	Retain
43	Tristania Conferta	Multi-Trunk	10", 9"	Retain
44	Tristania Conferta	Standard	20"	Retain
45	Tristania Conferta	Standard	17"	Retain
46	Tristania Conferta	Standard	19"	Remove
47	Tristania Conferta	Standard	22"	Remove
48	Tristania Conferta	Standard	20"	Retain
49	Tristania Conferta	Standard	21"	Retain
50	Tristania Conferta	Standard	17"	Retain
51	Eriobotrya deflexa	Standard	3"	Retain
52	Eriobotrya deflexa	Standard	3"	Retain
53	Tristania Conferta	Standard	19"	Retain
54	Tristania Conferta	Standard	18"	Retain
55	Tristania Conferta	Standard	17"	Retain
56	Tristania Conferta	Standard	17"	Retain
57	Tristania Conferta	Standard	16"	Retain
58	Eriobotrya deflexa	Standard	3"	Retain
59	Tristania Conferta	Standard	18"	Retain
60	Tristania Conferta	Standard	21"	Retain
61	Tristania Conferta	Standard	17"	Remove
62	Tristania Conferta	Standard	19"	Remove
63	Tristania Conferta	Standard	14"	Remove
64	Tristania Conferta	Standard	13"	Remove
65	Tristania Conferta	Standard	20"	Remove
66	Tristania Conferta	Standard	22"	Retain
67	Tristania Conferta	Standard	21"	Retain
68	Pyrus c. Aristocrat'	Standard	12"	Retain
69	Pyrus c. Aristocrat'	Standard	11"	Retain
70	Pyrus c. Aristocrat'	Standard	20"	Retain
71	Pyrus c. Aristocrat'	Standard	23"	Retain
72	Pyrus c. Aristocrat'	Standard	6"	Retain
73	Tristania Conferta	Standard	19"	Retain
74	Pyrus c. Aristocrat'	Standard	6"	Retain
75	Pyrus c. Aristocrat'	Standard	8"	Retain
76	Pyrus c. Aristocrat'	Standard	19"	Retain
77	Pyrus c. Aristocrat'	Standard	13"	Retain
78	Pyrus c. Aristocrat'	Standard	10"	Retain
79	Tristania Conferta	Standard	23"	Retain
80	Tristania Conferta	Standard	22"	Remove
81	Tristania Conferta	Standard	18"	Remove
82	Tristania Conferta	Standard	13"	Remove
83	Tristania Conferta	Standard	15"	Remove
84	Tristania Conferta	Standard	16"	Remove
85	Tristania Conferta	Standard	15"	Remove
86	Tristania Conferta	Standard	20"	Remove
87	Tristania Conferta	Standard	18"	Remove
88	Tristania Conferta	Standard	18"	Remove
89	Tristania Conferta	Standard	20"	Remove
90	Tristania Conferta	Standard	16"	Remove
91	Tristania Conferta	Standard	17"	Remove
92	Tristania Conferta	Standard	16"	Remove
93	Tristania Conferta	Standard	12"	Remove
94	Eriobotrya deflexa	Standard	17"	Remove
95	Tristania Conferta	Standard	2"	Remove
96	Tristania Conferta	Standard	21"	Remove
97	Tristania Conferta	Standard	24"	Remove
98	Pyrus c. Aristocrat'	Standard	15"	Retain
99	Pyrus c. Aristocrat'	Standard	14"	Retain
100	Pyrus c. Aristocrat'	Standard	11"	Retain
101	Pyrus c. Aristocrat'	Standard	14"	Retain
102	Pyrus c. Aristocrat'	Standard	17"	Retain
103	Pyrus c. Aristocrat'	Standard	19"	Retain
104	Eriobotrya deflexa	Standard	4"	Retain
105	Tristania Conferta	Standard	20"	Retain
106	Tristania Conferta	Standard	21"	Retain
107	Pyrus c. Aristocrat'	Standard	13"	Retain
108	Pyrus c. Aristocrat'	Standard	16"	Retain
109	Pyrus c. Aristocrat'	Standard	14"	Retain
110	Pyrus c. Aristocrat'	Standard	14"	Retain
111	Tristania Conferta	Standard	20"	Remove
112	Tristania Conferta	Standard	22"	Remove
113	Eriobotrya deflexa	Standard	3"	Remove
114	Tristania Conferta	Standard	20"	Remove
115	Tristania Conferta	Standard	14"	Remove
116	Tristania Conferta	Standard	17"	Remove
117	Tristania Conferta	Standard	15"	Remove
118	Tristania Conferta	Standard	20"	Remove
119	Tristania Conferta	Standard	17"	Remove
120	Tristania Conferta	Standard	14"	Remove
121	Eriobotrya deflexa	Standard	6"	Remove
122	Rhus Lancea	Multi-Trunk	16", 15", 15", 13"	Retain
123	Rhus Lancea	Multi-Trunk	19", 18", 13", 10"	Retain
124	Rhus Lancea	Multi-Trunk	11", 16", 14"	Retain
125	Rhus Lancea	Multi-Trunk	14", 13", 22", 15"	Retain
126	Rhus Lancea	Multi-Trunk	19", 15", 13", 13"	Retain
127	Rhus Lancea	Multi-Trunk	11", 11", 13"	Retain
128	Rhus Lancea	Multi-Trunk	17", 8", 22"	Retain
129	Rhus Lancea	Multi-Trunk	14", 14", 13", 12", 16	Retain
130	Rhus Lancea	Multi-Trunk	12", 21, 20"	Retain
131	Rhus Lancea	Multi-Trunk	20", 17", 12"	Retain
132	Rhus Lancea	Multi-Trunk	10", 12", 14"	Retain
133	Rhus Lancea	Multi-Trunk	18", 17"	Retain
134	Rhus Lancea	Standard	22"	Retain
135	Rhus Lancea	Multi-Trunk	22", 22", 14"	Retain
136	Rhus Lancea	Multi-Trunk	28", 12", 30", 17"	Retain
137	Tristania Conferta	Standard	22"	Retain
138	Tristania Conferta	Standard	19"	Retain
139	Tristania Conferta	Standard	16"	Retain
140	Tristania Conferta	Standard	17"	Retain
141	Pyrus c. Aristocrat'	Standard	13"	Retain
142	Pyrus c. Aristocrat'	Standard	11"	Retain
143	Pyrus c. Aristocrat'	Standard	13"	Retain
144	Tristania Conferta	Standard	17"	Remove
145	Eriobotrya deflexa	Standard	6"	Remove
146	Tristania Conferta	Standard	18"	Remove
147	Eriobotrya deflexa	Standard	5"	Remove
148	Pyrus c. Aristocrat'	Standard	13"	Retain
149	Pyrus c. Aristocrat'	Standard	7"	Retain
150	Tristania Conferta	Standard	20"	Retain
151	Tristania Conferta	Standard	18"	Retain
152	Tristania Conferta	Standard	20"	Retain
153	Tristania Conferta	Standard	15"	Retain
154	Pyrus c. Aristocrat'	Standard	13"	Retain
155	Pyrus c. Aristocrat'	Standard	14"	Retain
156	Pyrus c. Aristocrat'	Standard	12"	Retain
157	Tristania Conferta	Standard	22"	Retain
158	Tristania Conferta	Standard	25"	Retain
159	Tristania Conferta	Standard	24"	Retain
160	Olea xxx	Standard	5"	Retain
161	Olea xxx	Standard	5"	Retain
162	Rhus Lancea	Multi-Trunk	20", 14", 13", 13"	Retain
163	Rhus Lancea	Multi-Trunk	22", 15"	Retain
164	Rhus Lancea	Multi-Trunk	15", 13"	Retain
165	Rhus Lancea	Multi-Trunk	13", 15", 15"	Retain
166	Rhus Lancea	Multi-Trunk	19", 14"	Retain
167	Rhus Lancea	Multi-Trunk	14", 13", 13"	Retain
168	Tristania Conferta	Standard	16"	Retain
169	Tristania Conferta	Standard	16"	Retain
170	Tristania Conferta	Standard	18"	Retain
171	Tristania Conferta	Standard	17"	Retain
172	XXX	Standard	2"	Retain
173	Pyrus c. Aristocrat'	Standard	15"	Retain
174	Pyrus c. Aristocrat'	Standard	15"	Retain
175	Eriobotrya deflexa	Standard	5"	Retain
176	Tristania Conferta	Standard	19"	Retain
177	Tristania Conferta	Standard	20"	Retain
178	Pyrus c. Aristocrat'	Standard	15"	Retain
179	Pyrus c. Aristocrat'	Standard	14"	Retain
180	Tristania Conferta	Standard	18"	Retain
181	Tristania Conferta	Standard	13"	Retain
182	Tristania Conferta	Standard	17"	Retain
183	Eriobotrya deflexa	Standard	2"	Retain
184	Pyrus c. Aristocrat'	Standard	8"	Retain
185	Pyrus c. Aristocrat'	Standard	15"	Retain
186	Eriobotrya deflexa	Standard	6"	Remove
187	Tristania Conferta	Standard	22"	Remove
188	Eriobotrya deflexa	Standard	11"	Retain
189	Pyrus c. Aristocrat'	Standard	15"	Retain
190	Pyrus c. 'Aristocrat''	Standard	8"	Retain
191	Tristania Conferta	Standard	18"	Retain
192	Eriobotrya deflexa	Standard	2"	Retain
193	Lagerstroemia x. Faurlei 'Muskogee'	Standard	23"	Retain
194	Lagerstroemia x. Faurlei 'Muskogee'	Standard	17"	Retain
195	Lagerstroemia x. Faurlei 'Muskogee'	Standard	20"	Retain
196	Lagerstroemia x. Faurlei 'Muskogee'	Standard	21"	Retain
197	Lagerstroemia x. Faurlei 'Muskogee'	Standard	20"	Retain
198	Lagerstroemia x. Faurlei 'Muskogee'	Standard	18"	Retain
199	Lagerstroemia x. Faurlei 'Muskogee'	Standard	19"	Retain

Existing Tree Survey Data

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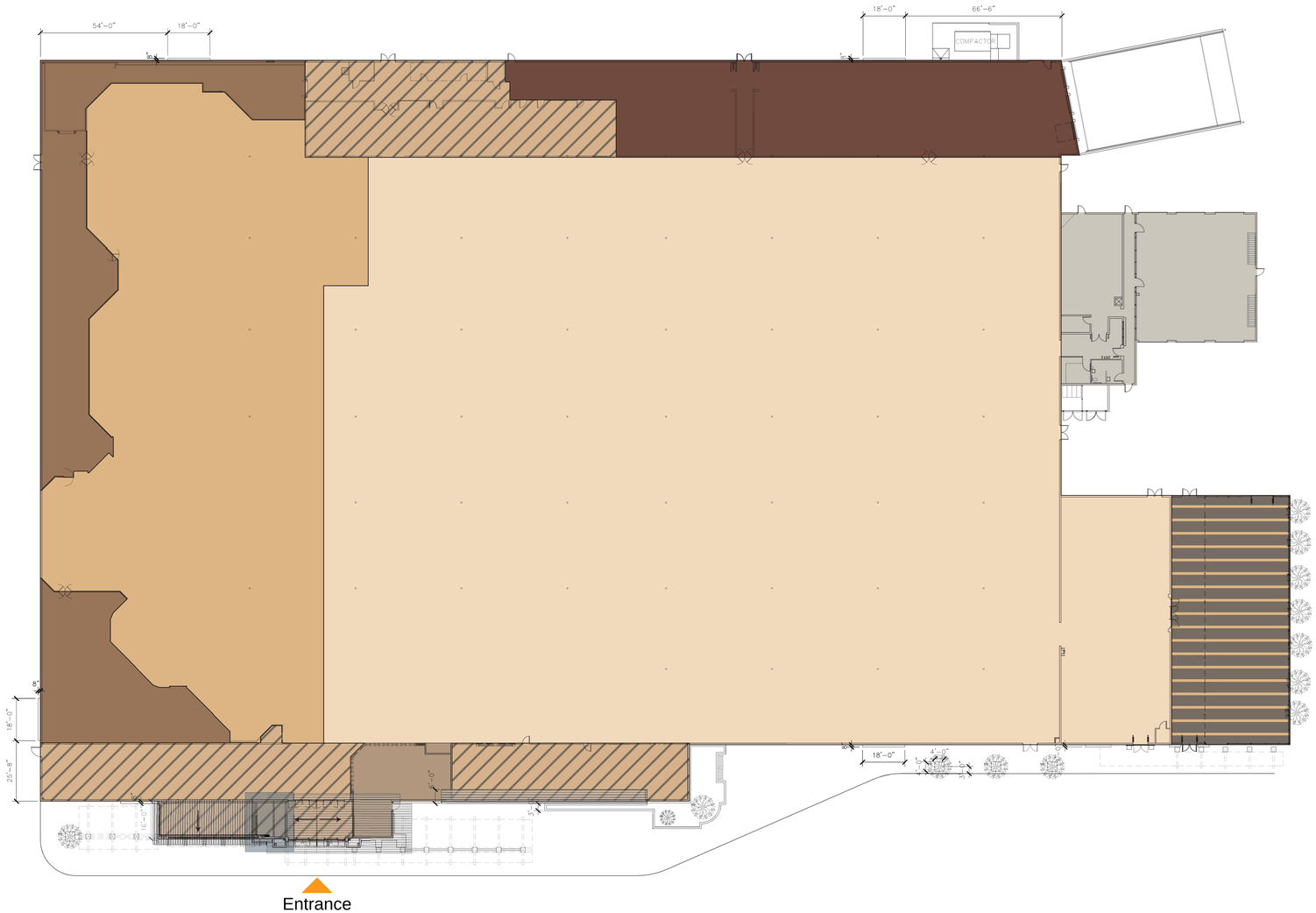
OF XX SHEETS	



Legend

	GENERAL MERCHANDISE	**87,007 SF**
	GROCERY FOOD SALES AREA	**23,191 SF**
	STOCKROOM RECEIVING AREA	**8,423 SF**
	ANCILLARY AREA	**10,583 SF**
	GROCERY STORAGE & ANCILLARY	**9,409 SF**
	FOOD TENANT AREA	**1,064 SF**
	OUTDOOR GARDEN CENTER	**5,335 SF**
	TIRE & LUBE EXPRESS	**5,170 SF**

Perkowitz+Ruth ARCHITECTS
Long Beach, CA [562]628.8000 www.prarchitects.com

Client Walmart

Project
Milpitas, California
Store # 2119-03

Preliminary Floor Plan
Date: February 25, 2010

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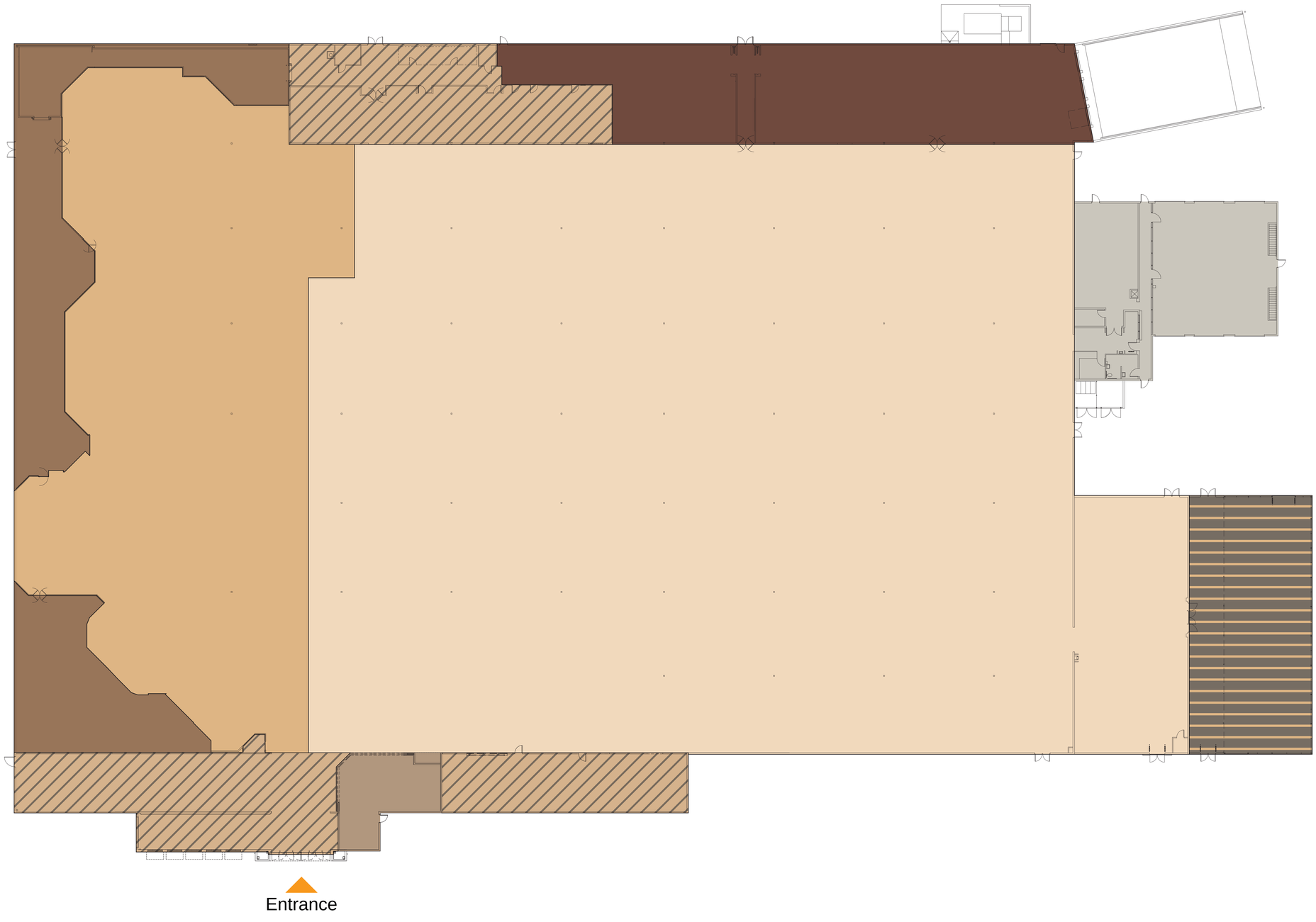

Legend

	GENERAL MERCHANDISE	**87,007 SF**
	FOOD SALES AREA	**23,191 SF**
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0 16 32 48 64

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Client Walmart

Project
Milpitas, California
Store # 2119-03

Department Plan
Date: February 25, 2010

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Client: Walmart

Project: Milpitas, California
Store # 2119-03

0 16 32 48 64

Preliminary Roof Plan

Date: February 25, 2010

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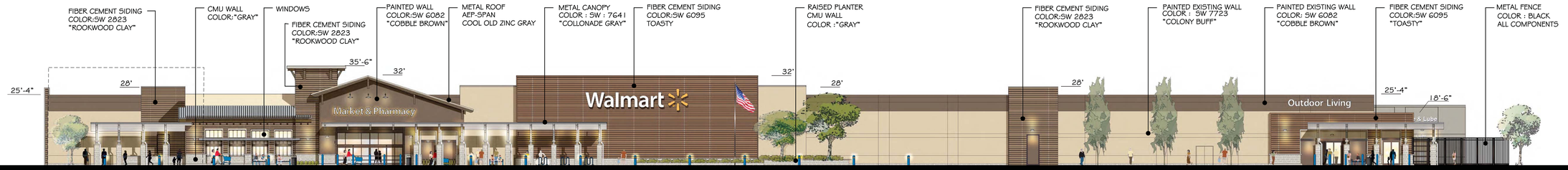
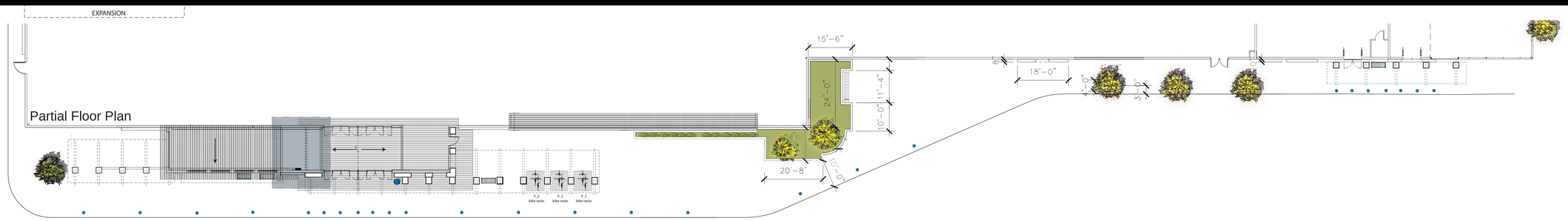
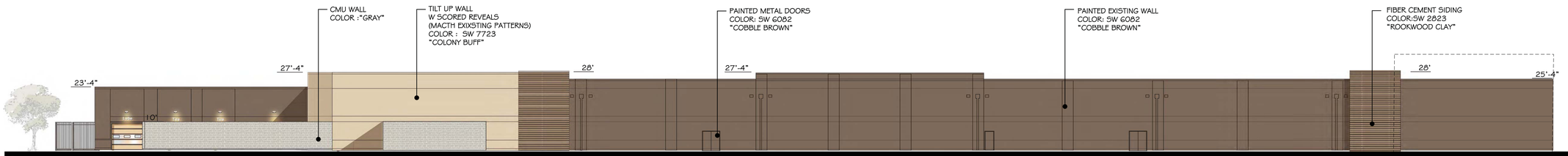
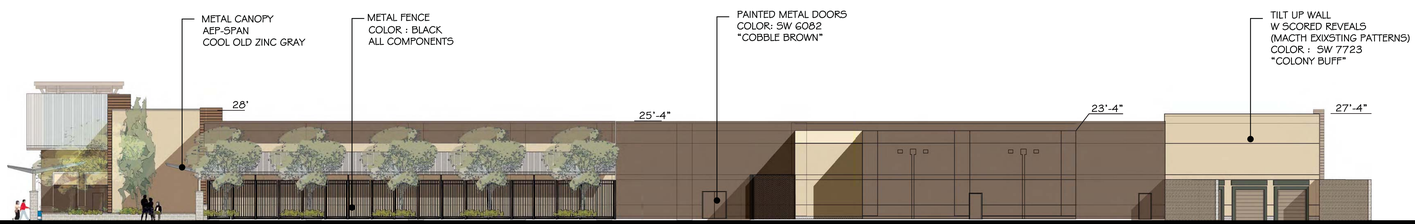


1. Front - East Elevation

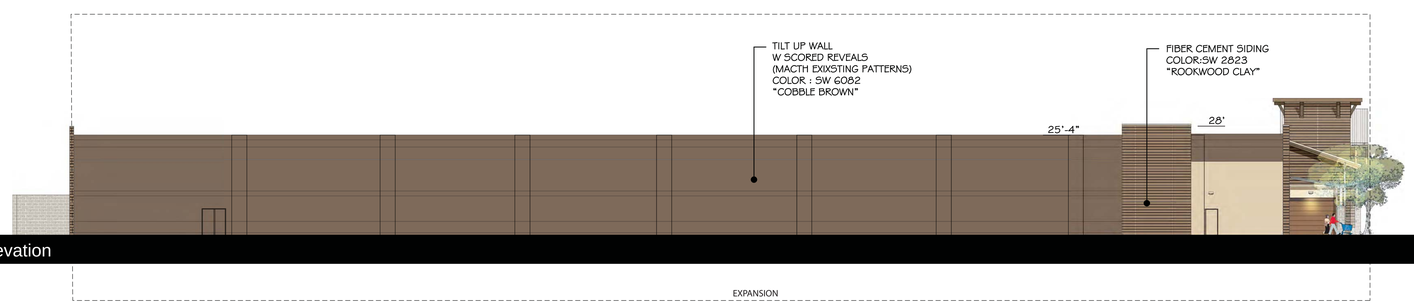




2. Rear -West Elevation

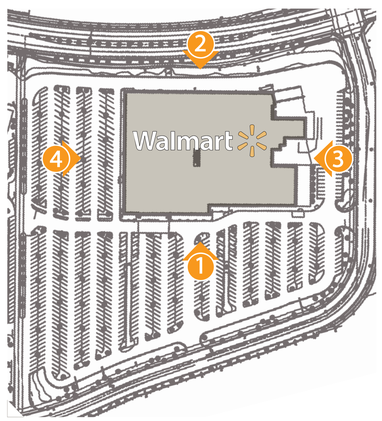


3. Right - North Elevation



4. Left - South Elevation

Key Plan



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Client Walmart

Project
Milpitas, California
Store # 2119-03

Conceptual Elevations
February 25, 2010

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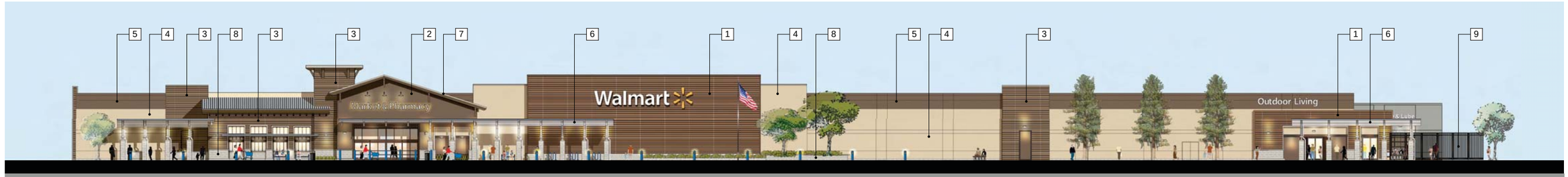


Front Elevation

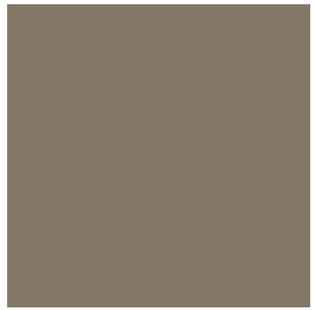
1

2 5

3

4

6



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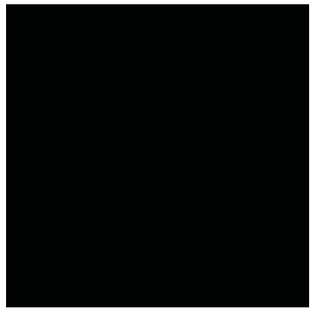

9

Materials

1	FIBER CEMENT SIDING SHERWIN WILLIAMS # 6095 “TOASTY”
2	PAINTED WALL SHERWIN WILLIAMS # 6082 “COBBLE BROWN”
3	FIBER CEMENT SIDING SHERWIN WILLIAMS # 2823 “ROOKWOOD CLAY”
4	PAINTED EXISTING WALL SHERWIN WILLIAMS # 7723 “COLONY BUFF”
5	PAINTED EXISTING WALL SHERWIN WILLIAMS # 6082 “COBBLE BROWN”
6	METAL CANOPY SHERWIN WILLIAMS # 7641 “COLLONADE GRAY”
7	METAL ROOF AEP-SPAN “COOL OLD ZINC GRAY”
8	CMU WALL COLOR: “GRAY”
9	METAL FENCING COLOR: “BLACK”

Perkowitz+Ruth
ARCHITECTS
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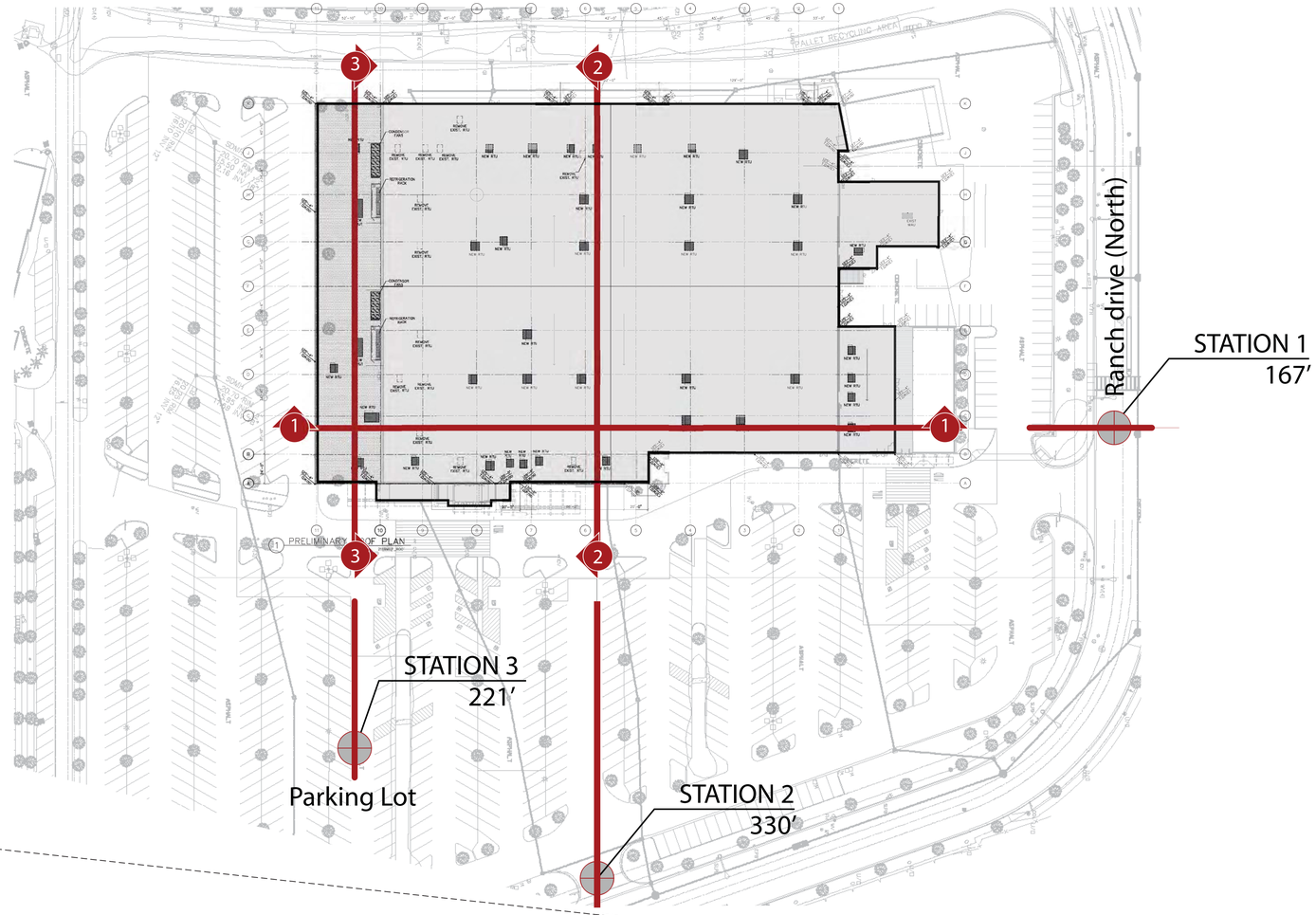
Client
Walmart

Project
Milpitas, California
Store # 2119-03

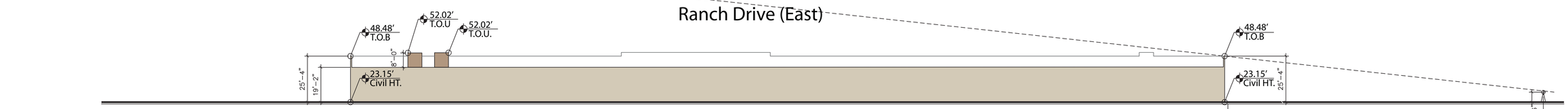
Material Board
Conceptual
Date: February 25, 2010

A-3.0
Job#: 07.422

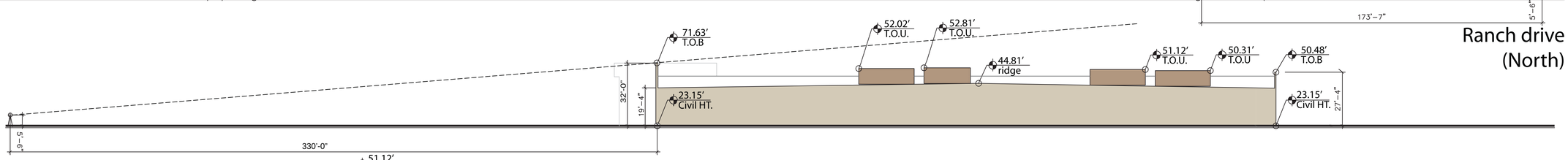


SITE PLAN

NTS



1 SECTION



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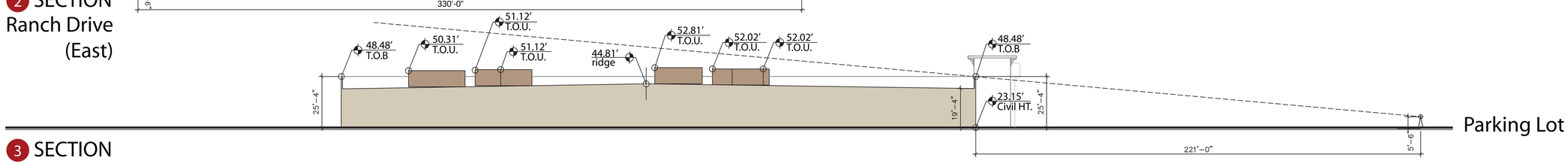
Ranch Drive
(East)



3 SECTION

0 16 32 48 64

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Client Walmart

Project
Milpitas, California
Store # 2119-03

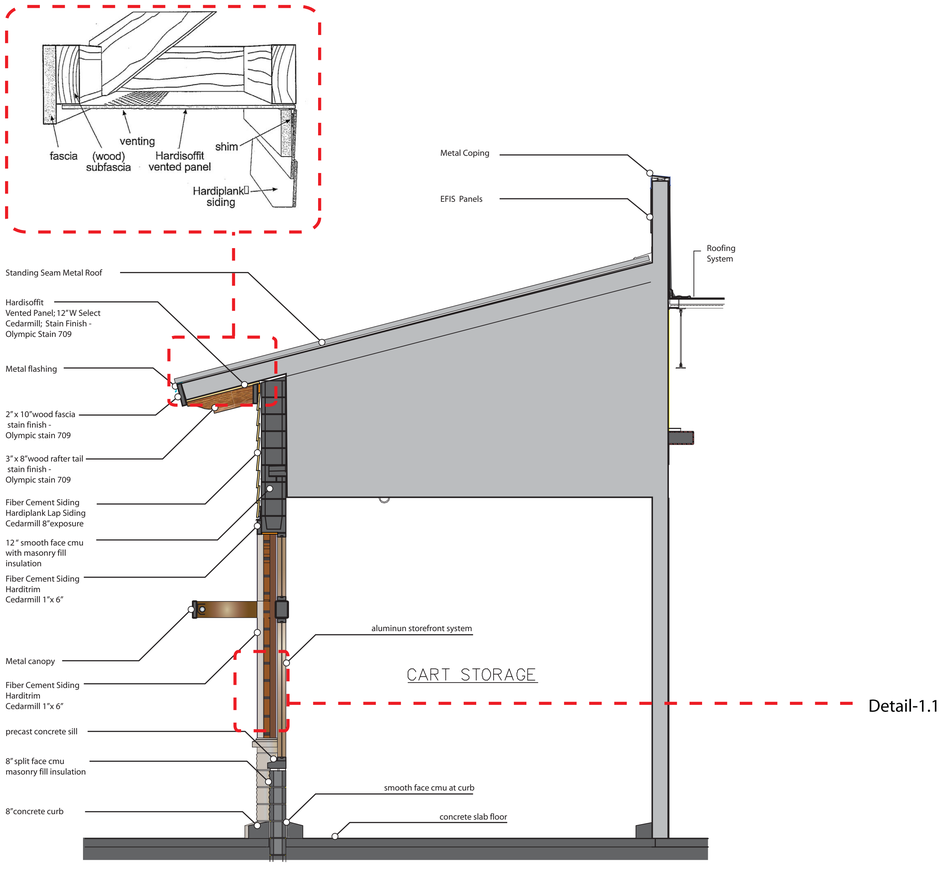
Line of Sight Sections

Date: February 25, 2010

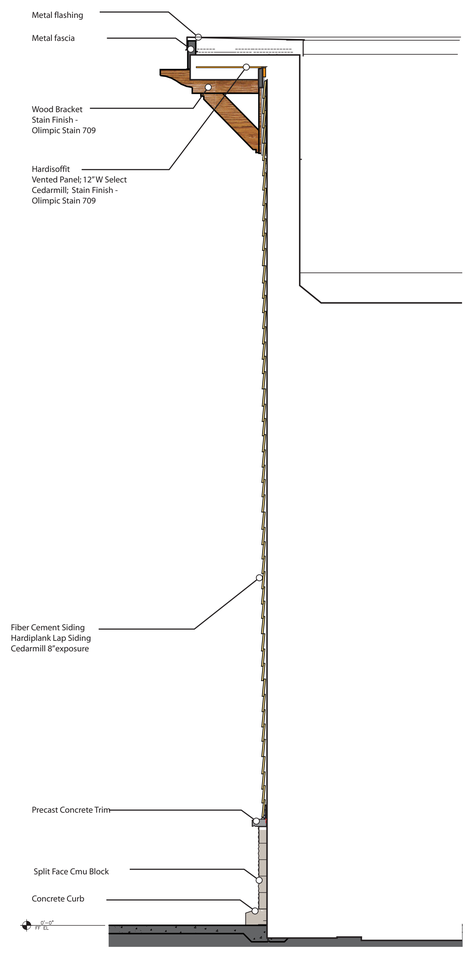
A-4.0

07.422.12

Partial Floor Plan



Section A



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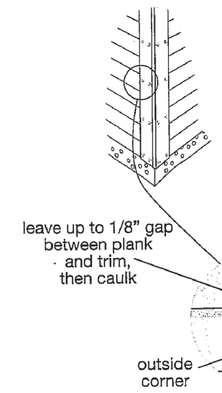
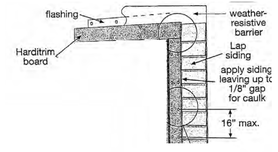


Detail-1.1

Fiber Cement - outside corner



Detail-1.2

Fiber Cement base or trim

0 16 32 48 64

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Client Walmart

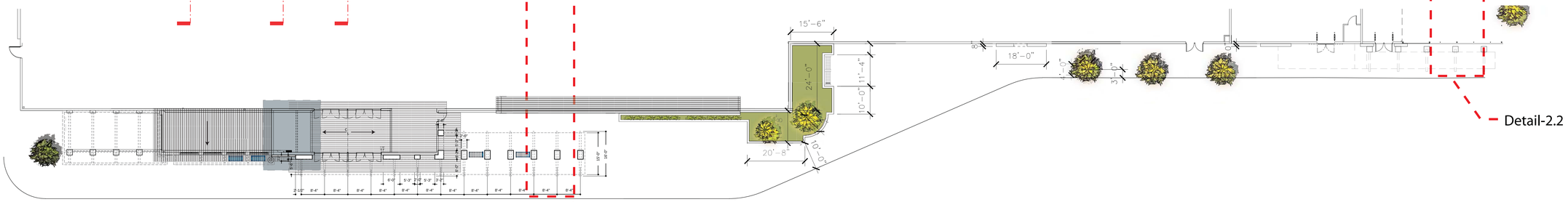
Project Milpitas, California
Store # 2119-03

Sections & Details

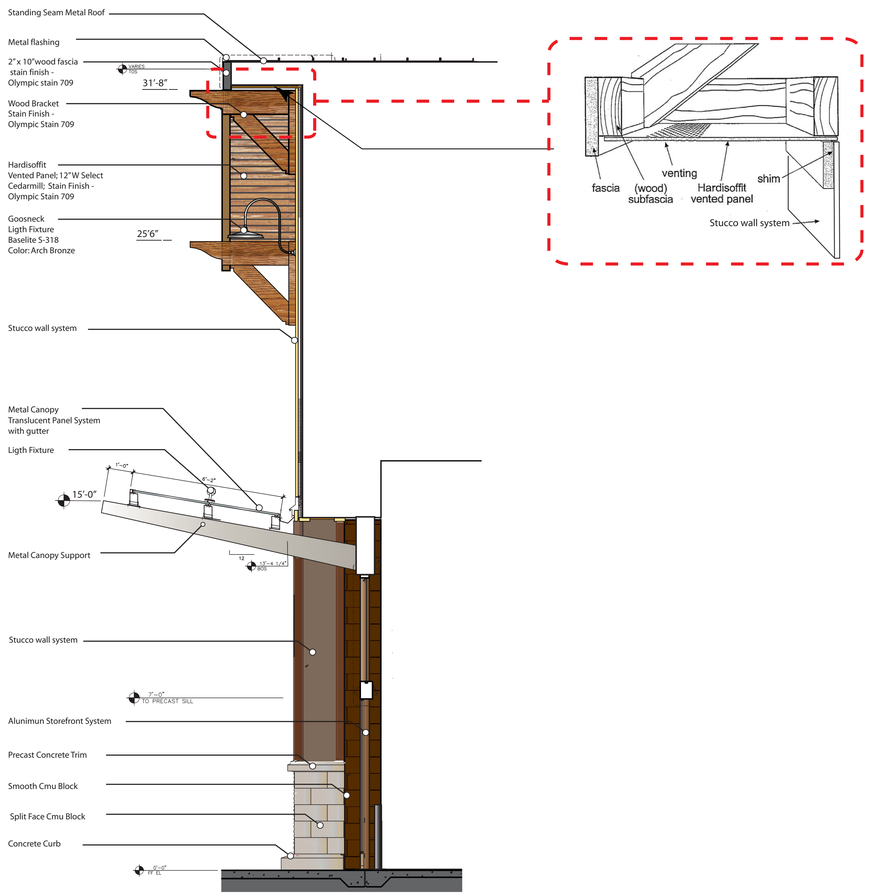
February 25, 2010

A-5.0

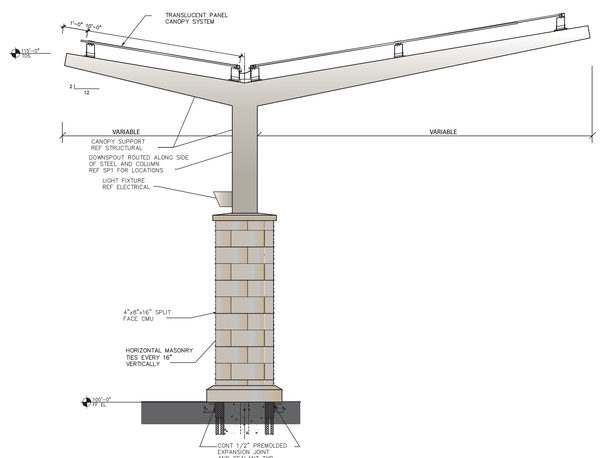
07.422.12



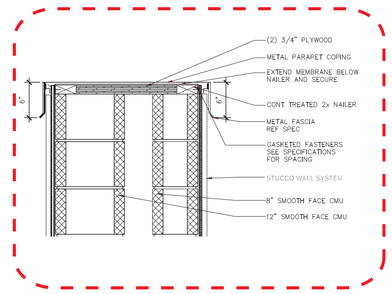
Partial Floor Plan



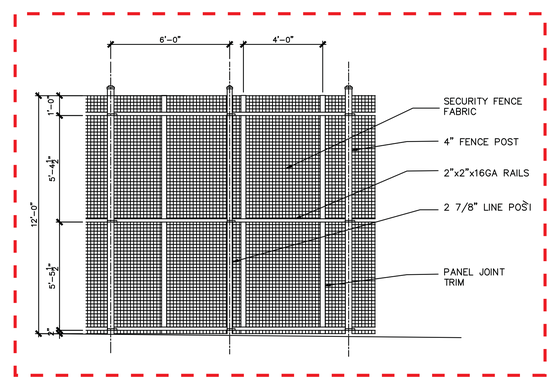
Section C (Entry)



Detail-2.1
Canopy Detail



Detail-2.3
Coping detail



Detail-2.2
Fence detail

0 16 32 48 64

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Client Walmart

Project
Milpitas, California
Store # 2119-03

Sections & Details

February 25, 2010

A-5.1

07.422.12

Walmart

Perkowitz+Ruth
ARCHITECTS
Long Beach, CA [562] 628.8000 www.prarchitects.com

STORE NO. 2119-03
301 Ranch Drive, Milpitas CA 95035

Date: February 25, 2010
Job#: 07422

Sign Program

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Installation Details 13

Architect of Record:	Perkowitz + Ruth Architects Contact: Nadia Hawatmeh 111 West Ocean Blvd., Suite 2100 Long Beach, CA 90802 Phone: 562.628.8000 Fax: 562.901.1568
Civil Engineer:	Tait & Associates Contact: Stanley P. Iverson, PE 11280 Trade Center Drive Rancho Cordova, CA 95742 Phone: (916) 669-1821 Fax: (916) 635-2606

To promote the quality of design desired for this Retail Project, this Sign Program establishes criteria for the design, implementation and regulation of Walmart signage, as well as site or thematic graphics for the Walmart located in Milpitas, CA. Signage of high quality design and materials using appropriate colors is considered an integral part of the image and success of this Retail Project.

Walmart may utilize any or all of the sign types described herein. All signage shall comply with applicable provisions of the Zoning Ordinance and land use plans of the City of Milpitas. All building and site signage shall be consistent with this Sign Program to provide a consistent and comprehensive design character.

The intent of this Sign Program is to ensure that signage for Walmart is designed and executed in a manner which will achieve the following objectives while providing desired project identification.

EXTERIOR SIGNAGE

The objectives of exterior signage are:

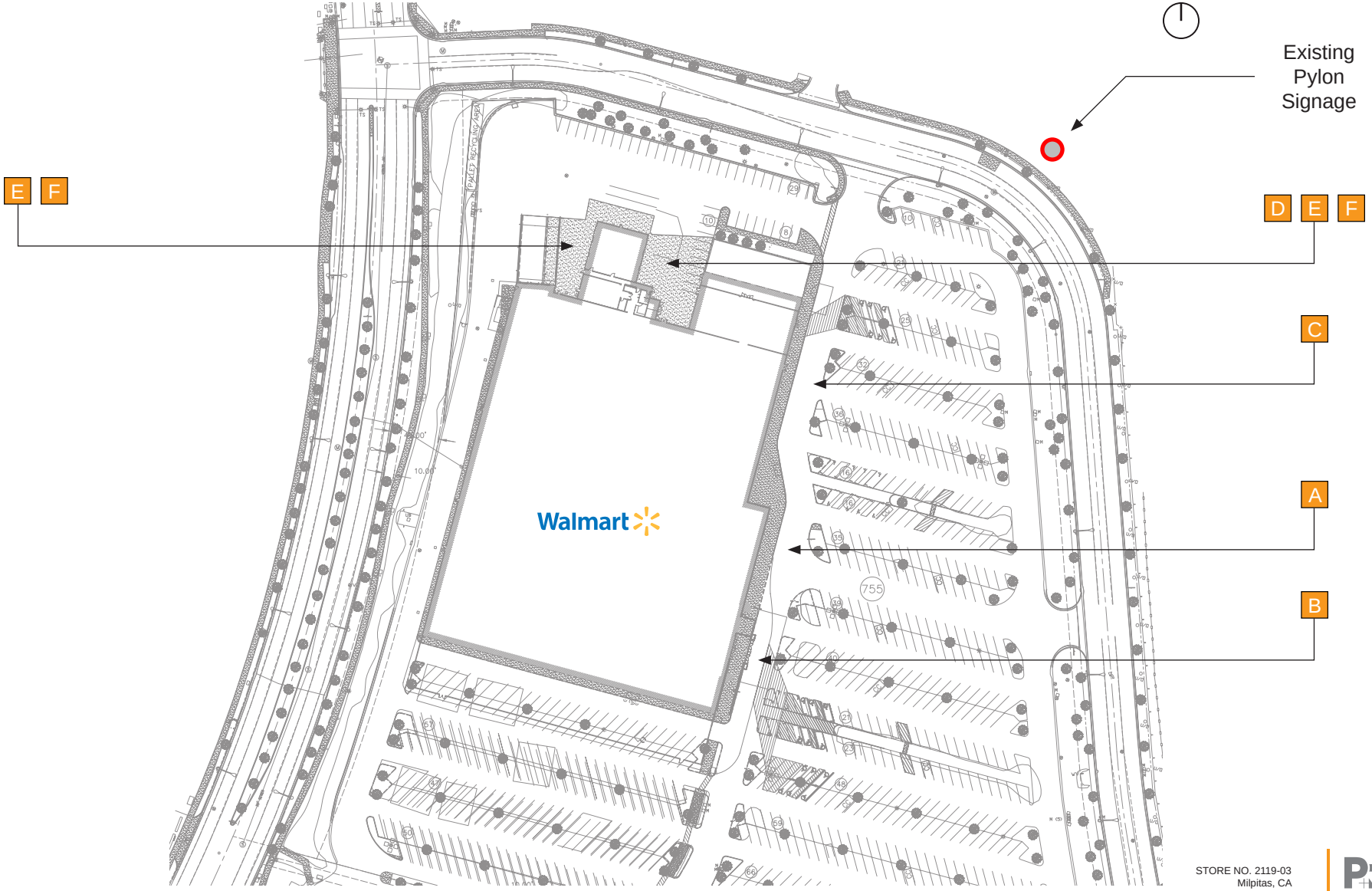
- To provide concise identity and information for shoppers and prospective shoppers while avoiding visual competition with the building's aesthetic or the site landscaping.
- To produce creative signage in good taste that will enhance Walmart's image while complementing the architectural and landscape design theme.
- To provide functional signage to effectively serve the needs of consumers while providing proper identification of the Walmart.
- To expedite the review and approval of Walmart's signage by providing guidelines and criteria that explain acceptable standards for the signage.

No sign shall be installed without the approval of this Sign Program by the City of Milpitas.

- Signs shall meet or exceed minimum industry standards for graphic quality and shall be designed to be compatible with and complementary to the surrounding building facades. Sign fabrication work shall meet or exceed minimum industry standards for quality.
- The sign copy, color, size and design shall be consistent with this Sign Program which shall be subject to approval by the City of Milpitas. Letter heights and logos, where specified, shall be determined by measuring the normal capital letter of a font exclusive of swashes, ascenders and descenders.
- Wall signs shall be affixed without visible means of attachment unless attachments make an intentional design statement and are an integral part of the design.
- Walmart's sign contractor shall repair any damage to the building caused by its work.

- All identification signs and secondary identification signs shall consist of face-illuminated individual dimensional letter forms and/or symbols (or an assembly of dimensional letter forms where Walmart's logotype is script-style letters). All letter/symbol faces shall be translucent acrylic with integral color.
- The cabinet and/or channel letters shall be constructed of 0.060 - 0.090 aluminum, with 1/8" plastic face and fastened to the wall or fascia in an approved manner. All metal shall receive a minimum of two (2) coats of primer and two (2) coats of finish paint. Metal sheet seam joints shall be joined by pop rivets. Halo lighting, LED and/or neon need secondary ground fault consistent with UL2161. All letters shall have service access to lamps, ballasts and wiring.
- All fascia signs shall be centered left to right on the fascia or building frontage and generally centered top and bottom between fascia reveals. The vertical position will vary depending on the configuration of the sign and the locations of the reveals on the sign fascia.
- Power will be provided from the site and/or building electrical panel to a junction box at all sign locations. Power connection shall be Walmart's responsibility. A time clock shall be provided by Walmart to turn off power to its wall signs. All electrical signs shall bear the Underwriters Laboratory "UL" symbol (not visible to the public view), and the installation of all electrical signs shall comply with applicable building and electrical codes. Walmart shall pay for electrical service for the signs. All conductors, transformers and other equipment shall be concealed.
- All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition. All bolts, fastenings, clips, etc., shall be painted to match the adjacent building surface.
- All lettering shall be restricted to the "net sign area". No projection above or below the "net sign area" shall be permitted, except as otherwise approved in writing.
- Any hole or other building damage resulting from the removal of a sign shall be repaired and painted to match the building surface in the vicinity of the damage.
- Walmart shall maintain its signs in accordance with applicable City of Milpitas standards and shall replace defective lights and components in a timely manner.
- All sign installers shall comply with applicable State and local statutes, regulations and ordinances, and shall possess a current, valid City of Milpitas business license, and shall provide evidence of a current, valid Workman's Compensation Insurance policy.

Site Plan Indicating Signage

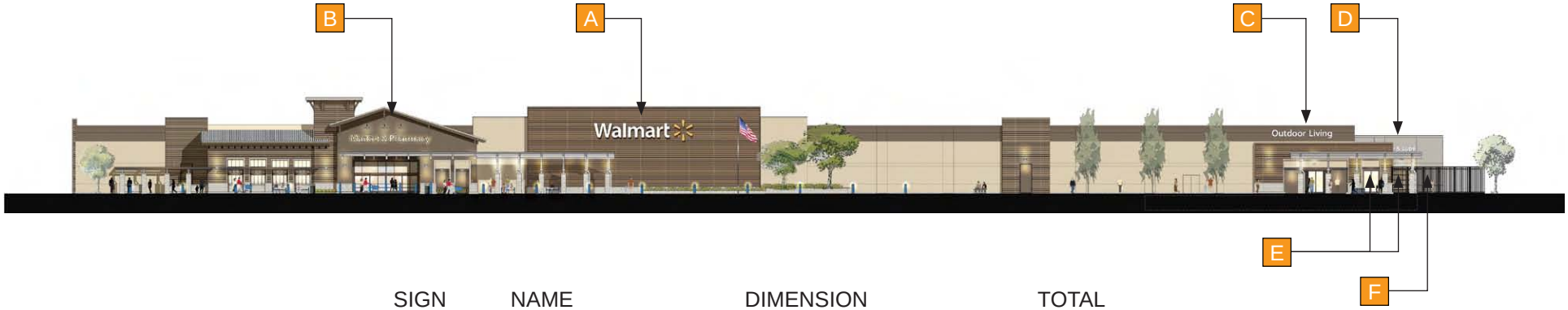


STORE NO. 2119-03
Milpitas, CA

Proposed Panel Replacement to Existing 4’-9” x 15’-9” = 74.81 S.F. Pylon Signage

ILLUMINATED SIGN (I):
Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
Face: Constructed with Sunguard Weatherable Polycarbonate
Color: White with a yellow spark
Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):
Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
Face: Constructed with Sta-Tuf Plastic
Color: White
Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 studs per sign.



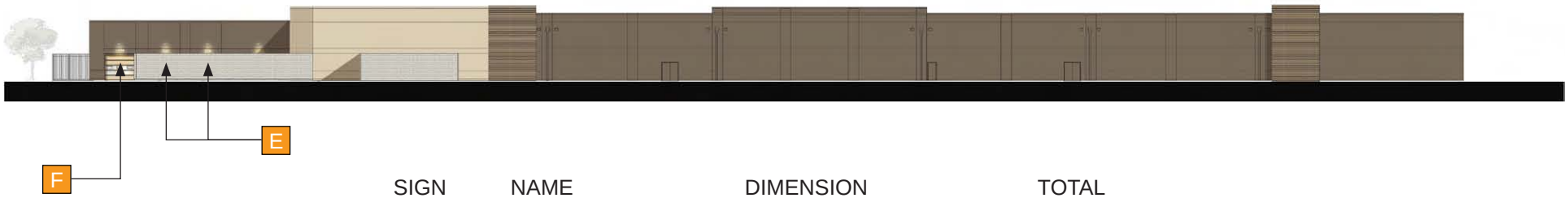
SIGN	NAME	DIMENSION	TOTAL
A (I)	Walmart	8’-0” x 37’-3”	298.00 sf
B (N)	Market & Pharmacy	3’-5 1/2” x 29’-8 1/2”	102.74 sf
C (N)	Outdoor Living	3’-4 15/16” x 22’-7 15/16”	77.31 sf
D (N)	Tire & Lube	2’-0” x 13’-6 5/8”	27.10 sf
E (N)	Tire (2)	1’-0” x 2’-3 3/8”	4.56 sf
F (N)	Lube	1’-0” x 2’-11”	2.92 sf

Sign Area Sub-Total: **512.63 sf**
Total Building Signage Area: **520.11 sf**

Rear Elevation

ILLUMINATED SIGN (I):
Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
Face: Constructed with Sunguard Weatherable Polycarbonate
Color: White with a yellow spark
Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):
Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
Face: Constructed with Sta-Tuf Plastic
Color: White
Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 studs per sign.



SIGN	NAME	DIMENSION	TOTAL
E (N)	Tire (2)	1'-0" x 2'-3 3/8"	4.56 sf
F (N)	Lube	1'-0" x 2'-11"	2.92 sf

Sign Area Sub-Total: **7.48 sf**
Total Building Signage Area: **520.11 sf**

Left Elevation

ILLUMINATED SIGN (I):
Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
Face: Constructed with Sunguard Weatherable Polycarbonate
Color: White with a yellow spark
Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):
Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
Face: Constructed with Sta-Tuf Plastic
Color: White
Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 studs per sign.

SIGN	NAME	DIMENSION	TOTAL
N/A	N/A	N/A	N/A

Sign Area Sub-Total: **N/A sf**
Total Building Signage Area: **520.11 sf**

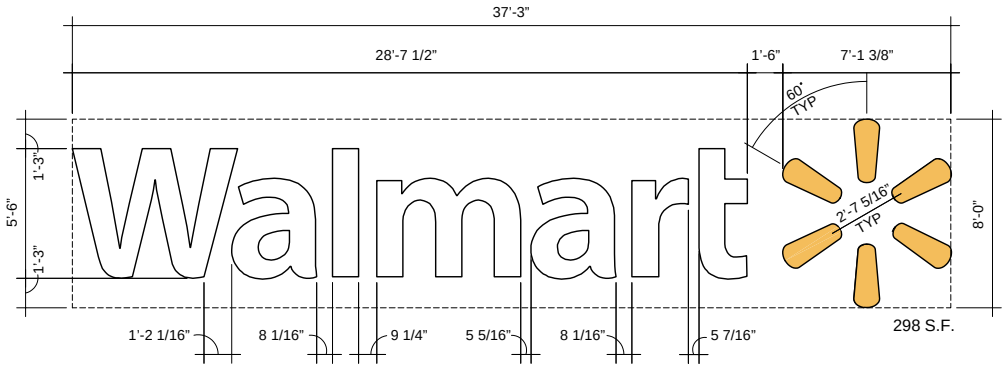
Right Elevation

ILLUMINATED SIGN (I):
Configuration: Channel letters with vacuum formed face (pan-formed) anchored to building surface (concrete block or plaster). Internally illuminated with LED.
Face: Constructed with Sunguard Weatherable Polycarbonate
Color: White with a yellow spark
Mounting: Anchor bolt/bracket - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 anchors per sign

NON-ILLUMINATED SIGN (N):
Configuration: Plexiglas formed letters stud mounted to building surface (concrete block or plaster).
Face: Constructed with Sta-Tuf Plastic
Color: White
Mounting: Threaded stud - size to be submitted to jurisdiction for approval prior to installation.
Minimum 3 studs per sign.

SIGN	NAME	DIMENSION	TOTAL
N/A	N/A	N/A	N/A

Sign Area Sub-Total: **N/A sf**
Total Building Signage Area: **520.11 sf**


37'-3"
28'-7 1/2"
1'-6"
7'-1 3/8"
60° TYP
2'-7 5/16" TYP
5'-6"
1'-3"
1'-3"
8'-0"
Walmart
1'-2 1/16"
8 1/16"
9 1/4"
5 5/16"
8 1/16"
5 7/16"
298 S.F.

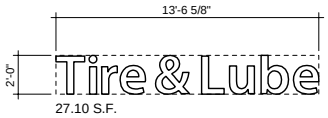
A

29'-8 1/2"
3'-5 1/2"
2'-6"
Market & Pharmacy
102.74 S.F.

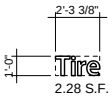
B

22'-7 15/16"
3'-4 15/16"
2'-6"
Outdoor Living
77.31 S.F.

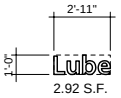
C


13'-6 5/8"
2'-0"
Tire & Lube
27.10 S.F.

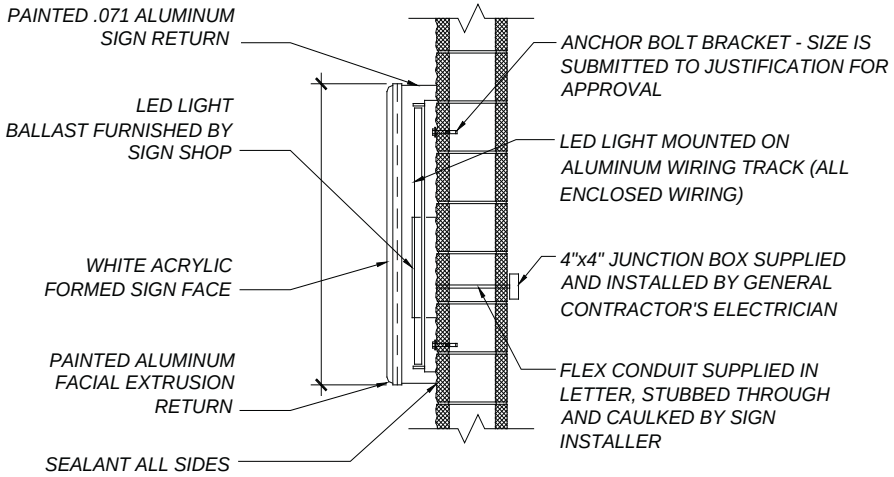
D


2'-3 3/8"
1'-0"
Tire
2.28 S.F.

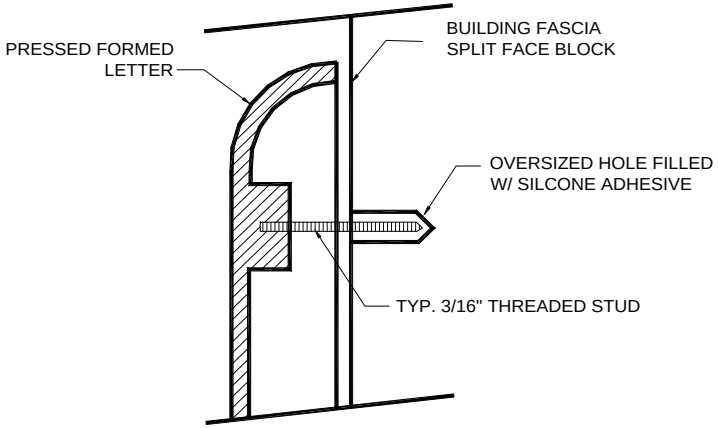
E


2'-11"
1'-0"
Lube
2.92 S.F.

F



Illuminated Signage Detail
(NTS)



Non-Illuminated Signage Detail
(NTS)

WAL-MART EXPANSION – MILPITAS, CALIFORNIA

Project Description

Introduction and Background

The project is located in the City of Milpitas, California. Milpitas is in Santa Clara County at the southern tip of the San Francisco Bay. Milpitas is approximately 46 miles south of San Francisco and eight miles north of San Jose. Highway 880 connects Milpitas to San Jose and provides the major regional access to the City.

The proposed project consists of the expansion and remodeling of the existing Wal-Mart store located at the southeast corner of McCarthy Boulevard and Ranch Drive in Milpitas. The project will include the addition of approximately 18,457 square feet to the southern portion of the approximately 131,725 square foot Wal-Mart store.

The General Plan designates the overall shopping center site as General Commercial. The General Commercial land use designation provides for a wide range of retail sales and personal and business services primarily accessed by automobiles. The Zoning Map designates the overall shopping center site as General Commercial ("C-2"), which permits a wide range of retail sales and personal and business services primarily oriented to the automobile customer. The site is also within the Site and Architectural Review zone ("S"), which is intended to promote orderly, attractive, and harmonious development.

The existing Wal-Mart store was approved by the City of Milpitas in 1992. The expansion project will require a Site Development Permit and a Conditional Use Permit.

Description of Site and Surrounding Area

1. On-Site Conditions

The 14.56-acre Wal-Mart site is developed with an approximately 131,725 square foot Wal-Mart store, including a 5,335 square foot outdoor garden center and a Tire and Lube Express, as well as surrounding parking, loading, and landscaped areas. The expansion area to the south of the existing Wal-Mart store is currently marked for parking, but Wal-Mart uses some of the space for storage.

2. Surrounding Land Uses

The Wal-Mart store is within a larger shopping center. The following uses surround the Wal-Mart parcel:

- North: Ranch Drive abuts the project site to the north. There is developed land zoned "Industrial Park" beyond.

- South: The remainder of the shopping center abuts the Project site to the south.

- East: Ranch Drive abuts the Project site to the east. Interstate 880 is beyond and there are residential uses on the other side of Interstate 880 (within 1,000 feet of the store).

- West: McCarthy Boulevard abuts the Project site to the west. There is undeveloped land zoned "Industrial Park" beyond.

Project Description

The project includes a number of physical alterations and improvements to the Wal-Mart store, as described below. The City approvals required for the planned expansion are a Site Development Permit, which is required for development in the "S" zone and for additions of 10,000 square feet or greater to nonresidential uses, and a Conditional Use Permit for grocery sales within 1,000 feet of residential uses and for alcohol sales.

The project may add the following uses within the Wal-Mart store:

- Grocery sales
- Alcohol sales
- Medical clinic/vision center
- 24-hour operations

1. Building Expansion

The existing approximately 131,725 square foot Wal-Mart store will be enlarged by approximately 18,457 square feet[1], increasing the total floor area to 150,182 square feet (including the existing 5,335 square foot outdoor garden center). The existing store contains: (1) general merchandise sales floor area; (2) retail tenant area; (3) stockroom receiving area; (4) ancillary area; (5) outdoor garden center; and (6) Tire and Lube Express area. It has one main entrance and two loading spaces. The expansion proposes to change the existing building such that the store will: (1) have additional square feet of food sales floor area, food sales support area, and ancillary space; (2) replace the existing entry with a new vestibule area; and (3) add an additional loading space for a total of three loading spaces. The expanded store may also include a medical clinic use, which would be included in the proposed additional 18,457 square feet.

In addition, the bale and pallet recycle area on the north side of the store will remain in its current location and walls will be painted to match the building colors.

The following is a breakdown of the proposed floor plan before and after the proposed expansion:

[1] Wal-Mart plans to demolish approximately 78 square feet and build approximately 18,535 square feet, which results in a total additional square footage of 18,457 square feet (18,535 square feet less 78 square feet).

	Existing	Proposed	Change
General Merchandise Sales Area	101,069 sq. ft.	87,007 sq. ft.	(14,062) sq. ft.
Food Sales Area	0 sq. ft.	23, 191 sq. ft.	23,191 sq. ft.
Food Sales Support Area	0 sq. ft.	9,409 sq. ft.	9,409 sq. ft.
Stockroom Receiving Area	9,560 sq. ft.	8,423 sq. ft.	(1,137) sq. ft.
Ancillary Area	8,847 sq. ft.	10, 583 sq. ft.	1, 736 sq. ft.
Tire and Lube Express	5,170 sq. ft.	5,170 sq. ft.	0 sq. ft.
Food Tenant Area	1,744 sq. ft.	1,064 sq. ft.	(680) sq. ft.
Building Total Without Outdoor Garden Center	**126,390 sq. ft.**	**144,847 sq. ft.**	**18,457 sq. ft.**
Outdoor Garden Center	5,335 sq. ft.	5,335 sq. ft.	0 sq. ft.
Total Area	**131,725 sq. ft.**	**150,182 sq. ft.**	**18,457 sq. ft.**
Total Area to be Analyzed in EIR	**N/A**	**150,725 sq. ft.**	**19,000 sq. ft.**

For the purposes of providing a worst-case analysis, we request that the project EIR evaluate the expansion at 19,000 square feet, which is approximately 3% percent larger than 18,457 square feet. The total store square footage considered in the EIR would be 150,725 square feet.

2. Existing Building Design Modifications

Walmart recognizes the quality and appropriateness of its architecture is its public face. This expansion provides Walmart the opportunity to improve the architecture of the existing store and adapt its new architectural initiative comfortably within the context of the McCarthy Ranch Shopping Center and its “California ranch” theme. Many new elements and features have been added to compliment the other existing retail buildings and establish a newer updated look. The use of more varied materials and a rich contemporary color palette not only compliments the existing center but also reflects the aesthetics of the neighboring office development.

The front elevation has been modified to feature a “salt box” style metal roof and a faux wood siding tower in rich earth tone colors with a generous use of glazing, evoking the center’s theme. It features a seating area adjoining the identity wall with new shade trees providing pedestrians a welcoming environment for entering the store or simply waiting for a ride. An enclosed cart storage area blends into the elevation and further reinforces the theme.

Masonry columned canopy structures flank the entrance on both sides giving pedestrians shelter and helping connect the architectural features.

The existing garden center will remain in its current location to the northeast corner of the building. It will be surrounded by an attractive metal fence and more canopies.

Rooftop equipment will be screened from off-site view by the building's parapet walls.

3. Building Sustainable Feature Modifications

The existing store incorporates many sustainability features, and the expansion area will also incorporate sustainability features, which continues to establish Wal-Mart as a leader in the retail industry in implementing sustainable business practices that address global warming and reduce the energy demand footprint of its stores. Wal-Mart's environmental goals are simple and straightforward: To be supplied 100 percent by renewable energy, create zero waste, and sell products that sustain our environment.

Wal-Mart is passionately committed to finding ways to build stores that can reduce its impact on the environment. The store sustainability features may include the following:

a. Daylighting (skylights/dimming): The grocery sales floor area only will include skylights that will be equipped with auto dimming sensors that adjust the building lighting depending on the weather.

b. Night Dimming: The expansion area only will include lighting that will dim to about 65% illumination during the late night hours.

c. Energy efficient HVAC units: The new HVAC units will utilize, "super" high efficiency packaged HVAC units. While the industry standard EER (Energy Efficiency Ratio) is 9.0, the proposed new units are rated at approximately 12.1 to 14.3, which is approximately 4-17% more efficient than required by California Title 24.

d. Central Energy Management: The store will continue to be equipped with an energy management system that will be monitored and controlled from the Home Office in Bentonville, Arkansas.

e. Water Heating: The new grocery area only will capture waste heat from the refrigeration equipment to heat water for the kitchen prep areas of the store. This represents energy savings of approximately 165 million BTUs per year.

f. Non-PVC Roofs: Recognizing environmental concerns with the manufacture and disposal of PVC, Wal-Mart has eliminated all PVC roofing and now uses a TPO type membrane, which is more environmentally friendly. The entire store will include a TPO type membrane roof.

g. White Roofs: Wal-Mart participates in the Energy Saving Cool Roof Program. The entire building will have a "white" membrane roof. The high solar reflectivity of this membrane results in lowering the "cooling" load by about 10%.

h. LED Signage Illumination: All internally illuminated building signage will use LED lighting. With lamp life ranging to 100,000 hours, using LEDs significantly reduces the need to manufacture and dispose of fluorescent lamps.

i. Recycling: The expansion area only will include huge amounts of recycled material.

   i. Steel recycling: Current construction standards on Wal-Mart buildings include a substantial amount of recycled steel. New stores are built of nearly 100% recycled structural steel. Wal-Mart structural steel suppliers use high efficient electric arc furnaces that use 50% less energy to manufacture recycled steel. Using recycled steel means less mining for new steel, and it is a material which can be readily recycled again if the building is demolished

   ii. Recycled Plastic: All of the plastic baseboards, and many of the plastic shelving, are manufactured from recycled material.

j. Water-Conserving Fixtures: All new restroom sinks will include sensor-activated low flow faucets. The existing restrooms will also be remodeled to include these new faucets. The low flow faucets reduce water usage by 84%. The sensors save approximately 20% more water than similar manual operated systems. Urinals use 0.125 gpf, which is a savings of approximately 87.5% and toilets use 1.28 gpf, which is a savings of approximately 25%.

k. Ozone-Friendly Refrigerants: Wal-Mart has aggressively converted to less ozone-depleting refrigerants as they become available. It will use R407a for all of the refrigeration equipment. For all of the air conditioning, Wal-Mart will use R410a refrigerant.

4. Parking Lot Modifications

The store currently provides 835 parking spaces, none of which are sized for compact cars. After expansion, the store will include 779 parking spaces, none of which will be sized for compact cars. Moveable cart corrals may occupy 28 parking spaces. After subtracting the 28 parking spaces that may be occupied by cart corrals, the store will include one space per 200 square feet based upon a 150,182 square foot store. This meets the City's Zoning Code requirement of one parking space per 200 square feet for "shopping goods, retail convenience goods."

The existing bicycle racks will be removed and replaced with new bicycle racks near the front entrance. A total of 20 spaces will be provided to meet City code.

The existing store provides cart storage areas interspersed throughout the parking areas. The expansion does not propose to alter the existing design of cart storage but the exact location of the cart storage areas may change during and after construction.

5. Security Measures

The following security measures may be undertaken at the expanded Wal-Mart store:

a. Conduct a risk analysis (crime survey) of the area to evaluate the security needs for the store and implement a security plan based upon this analysis.

b. As appropriate based upon the crime survey, establish a parking lot patrol that assists customers, ensures safety and takes action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours; and a plainclothes patrol inside the store to ensure safety and security.

c. Install closed-circuit camera systems (surveillance cameras) inside and outside the store.

d. Establish a Risk Control Team, which is a team of associates responsible and trained to identify and correct safety and security issues at the site.

e. Provide lighting in the parking areas that will ensure public safety.

f. Prohibit consumption of alcohol in the parking lots by having associates regularly "patrol" the parking areas while collecting shopping carts, and report any inappropriate activity to the store managers. (Also, per state law, alcohol sales will be limited to the hours of 6AM to 2AM of the following day.)

6. Landscaping Modifications

The store includes landscaping installed during the original construction of the store. New planter areas will be installed to provide storm water treatment opportunities for the new impervious areas. The project does not otherwise propose to alter the existing landscaping.

7. Lighting Modifications

The project does not propose any changes to the existing site lighting.

8. Signage Modifications

Signage on the expanded Wal-Mart building will be updated and simplified to include ancillary signs that describe new products and services that will be offered, such as “Market & Pharmacy” and “Outdoor Living.” The existing primary Wal-Mart white

sign will be replaced with new white sign and yellow spark, and the existing red signs will be replaced with new white signs that will be more compatible with the new color scheme and building architecture. All signs will be non-illuminated, except the "Walmart" sign at the front elevation, which will be internally lit by LED. The building signage will total approximately 520.11 square feet.

9. Grading, Drainage and Utilities Modifications

The site presently is paved and a storm drain pipe network exists for the drainage from the parking lot. A portion of the existing parking lot will be removed for the proposed expansion of the building. A portion of the parking lot south of the proposed expansion area will be moved and replaced due to the additional grading that will need to be done to accommodate the expansion. The existing storm drain system will remain. New planter areas will be installed to provide storm water treatment opportunities for the new impervious areas. The existing domestic water service, sewer service and fire service will remain.

10. Access and Circulation Modifications

The existing store is accessible via three driveways off of Ranch Drive and one shared-access driveway with the commercial uses to the south of the project site. The expansion does not propose to alter existing access to, or circulation within, the shopping center.

The northern-most driveway off of Ranch Drive currently provides truck access to the Wal-Mart store. Trucks enter the parcel and turn right and then left to access the loading bays at the rear of the store. Trucks exit the store via the same driveway. The project does not propose to alter truck access and circulation.

The project does not propose to alter the existing shopping center internal pedestrian pathways that accommodate pedestrian movement throughout the site.

11. Truck Delivery Modifications

The existing Wal-Mart store receives approximately four to six eighteen-wheeler trucks each day, seven days per week, and eight to ten smaller vendor trucks each day, five days per week. It is anticipated that the expansion will increase the total number of eighteen-wheeler deliveries to approximately seven to nine trucks, seven days per week (two to three of which will include refrigeration units) and will not add any additional smaller vendor truck deliveries.

The existing store includes two loading spaces. The project proposes to add an additional loading space, for a total of three loading dock spaces at the rear of the building, which will be accessed by roll-up doors. The project also proposes to add a bale and pallet recycling storage area near the loading area.

The project will reduce noise impacts, if any, by providing sealed rubber gaskets at the truck docks. Further, unloading will occur directly from the truck to the building. Also, engine idling by delivery trucks will be prohibited – in fact, Wal-Mart truck engines shut off automatically after three minutes of idling. (If a truck includes a refrigeration unit, the unit

remains refrigerated by a motor in the front of the trailer, which sounds similar to a window A/C unit.)

12. Hours of Operation Modifications

The existing Wal-Mart store is not open overnight. The proposed expanded store will be open 24 hours per day, seven days per week.

Project Objectives

The objectives of the proposed project are as follows:

- Design a project consistent with the City of Milpitas General Plan and Zoning Code.
- Expand the existing store into the adjacent vacant portion of the Wal-Mart property for a total planned floor area of 150,182 square feet.
- Develop a state of the art retail store that will accommodate the retail and grocery demands of the Milpitas community.
- Develop an architectural design that softens the scale and mass of the building with features designed to blend with the existing shopping center.
- Maintain existing landscaping to soften the design and create a pleasant, attractive appearance that complements the surrounding area.
- Provide sufficient on-site parking to ensure that adequate parking is provided for store customers and employees.
- Develop an expanded store that will provide significant economic benefits to the City and community in terms of its diversity of employment opportunities and increased sales tax revenues.

Cindy Hom

From: Tara Dicairano [tararaquel2@gmail.com]
Sent: Tuesday, March 16, 2010 6:43 PM
To: Cindy Hom
Subject: Bring us a Super Walmart

I want Milpitas to have a Super Walmart, I use to live in Florida where we had tons of them they are so great I can do one stop shopping for my family of five and I know I am saving money which means the most to me. Since moving here I have traveled all the way to Gilroy from Sunnyvale just to go I have been saying to all my friends I just wish they would build a Super Walmart here and now it looks like that just may actually happen!! I am so excited of the prospect and wanted to issue this email in support. PLEASE bring us a Super Walmart!! Thanks so much, Sincerely, Tara R. Di Cairano

Cindy Hom

From: Stoney [StoneyPilot@comcast.net]
Sent: Wednesday, March 17, 2010 3:10 PM
To: Cindy Hom
Subject: Please Allow the Milpitas Wal-Mart Expansion

Cindy Hom, Planning Department

Dear Cindy Hom

I implore you to please consider the people of our community when voting on Wal-Mart's request to expand their store to allow food products, fruits & vegetables, and meat products at our McCarthy Ranch Wal-Mart!

Allowing our citizens this opportunity to purchase these products within Milpitas's borders will not only enable our citizens a greater choice of food products, at a better price (which we all need in today's current economy), but enrich the TAX base within Milpitas, provides additional Job for our citizens, provides us money to maintain our current level of services, and may also provide additional funds for Parks & Playground repair and upgrades for our children.

I see NO downside in providing a better opportunity for our Milpitas Citizens; it's a Win- Win situation for our community.

Please, Please, do not stand idly by while this golden opportunity exists for Milpitas.

I implore you to approve Wal-Mart's expansion so that our entire community can benefit.

Thank you

James Stoneberger

Cindy Hom

From: Alice Silva [licha1227@gmail.com]
Sent: Wednesday, March 17, 2010 2:16 PM
To: Cindy Hom
Subject: Walmart

We love the idea of Walmart expansion. It is convenient for us, Seniors.

Sincerely
Alice P. Silva

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4953 (20100317) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Cindy Hom

From: Shannon Day [day_shannon@yahoo.com]
Sent: Wednesday, March 17, 2010 2:08 PM
To: Cindy Hom
Subject: Regarding Wal-mart

To whom it may concern:

I will be unable to attend the planning meeting for the discussion of expanding the Wal-mart currently at McCarthy Ranch in Milpitas, however, I would like to voice my support of the idea. Right now I have to do my grocery shopping near home in Sunnyvale, at stores like Safeway, because the Wal-mart I use, the Milpitas one, does not have a full grocery store and is not a "Supercenter". That means the revenue goes to Sunnyvale, and not Milpitas. If you allowed Wal-mart to expand, I can guarantee you I would now shop for my groceries and household needs in Milpitas, at that Wal-mart, instead of Sunnyvale where I live. It would be the ultimate one-stop-shop. I know I wouldn't be the only one. I've already spoken to several of my co-workers and friends and they would do the same. It's a win-win for Milpitas. There are no other grocery stores around there to drive out of business anyway. The only business you would take away is from other cities. In this economy, I think this is a very smart move on the part of Milpitas.

Sincerely,
Shannon Day
30+ year Wal-mart Shopper

Cindy Hom

From: Tom & Connie [tjwarney@sbcglobal.net]

Sent: Thursday, March 04, 2010 4:16 PM

To: Robert Livengood; Pete McHugh; Debbie Giordano; Armando Gomez; Althea Polanski; Cindy Hom; Cliff Williams; Sudhir Mandal

Subject: WalMart Extension

As a citizen of Milpitas for 50 years I fully recommend that you approve the WalMart Extension that has been talked about.

I personally do not understand why such a big to do is being made about this. Isn't America build on success? Those that say they want to save "local" stores, what are they talking about? Savemart, Lucky, Safeway all have over 200 stores in their chains. How can that be considered "local"

I hope that a common sense decision will be made allowing the addition.

Tom Warney

Cindy Hom

From: Jo Ann Thompson [joannjojojoann@yahoo.com]
Sent: Thursday, January 14, 2010 8:32 AM
To: Cindy Hom
Subject: Walmart Supporter

We deserve to have a Super Walmart, or one that carry produce. It is hard to believe the area we live in that we don't have a Super Walmart but a small city, more than 30miles away does. I believe this would be great for the city and all the commuinities it supports. Please, try to see that the people of the bay area could benifit with such a store located in the area of this store.

Regards,
Jo Ann Thompson
Sunnyvale,

Cindy Hom

From: Mary Lavelle
Sent: Thursday, January 14, 2010 11:39 AM
To: James Lindsay; Sheldon AhSing; Cindy Hom
Subject: FW: Walmart Expansion

From: maurik [mailto:maurik@sbcglobal.net]
Sent: Thursday, January 14, 2010 11:38 AM
To: Mary Lavelle
Subject: Walmart Expansion

I am writing to you today in total support of the Walmart Expansion to a full service center. I for one am very excited to be able to lend my support for this project. I have shopped at the Walmart Super Centers in other citys and states and was amazed at the the varity and value of the products. I would really benefit from a Walmart Super Center here in Milpitas. I work the night shift and am returning home from work at about 8:30 A.M. and many times just don't have the energy to go from store to store. Also many stores don't open until 10:00 and by then it is just too late for me. It takes me days to get all my shopping done. I am also limited because I am handicapped and by the time I drive to several different stores, park and walk in I am already exhausted. Having the Walmart Super Center in Milpitas would really be a wonderful bonus for me and my family. I also hope that consideration will be given to the lower income families and people on a fixed income that this Super Center would help, especially in this economy.

Mrs. Karen Krouse
240 Callan Street
Milpitas, Ca 95035

Cindy Hom

From: E Dave Sierra [sierra.e@sbcglobal.net]
Sent: Tuesday, March 02, 2010 7:50 PM
To: Cindy Hom
Cc: sierra.e@sbcglobal.net
Subject: Walmar expansion issue

Many residents of this senior citizens complex support expansion of Walmart Milpitas. It is convenient for us to reach. Let's keep our tax dollars in Milpitas. Many of us currently go to Gilroy for affordable groceries and other commodities. We are unable to attend meeting and hope our wishes are heard at the meeting. 2.2.10.

Planning Commission
City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

Dear Planning Commission Members:

I oppose Walmart's proposal to expand into a twenty-four hour supercenter. For the following reasons, I urge you to reject Walmart's application for a conditional use permit:

1. During the environmental impact report (EIR) public comment period, nearly 300 people wrote letters expressing their disapproval for Walmart's well documented corporate practices. The public's concern for worker welfare is a legitimate governmental purpose that should guide your planning decisions.

2. The EIR states that there is currently no surplus demand for groceries in our community and that Walmart's expansion into the grocery sector could negatively impact existing businesses in the market area.

3. In other communities, the entry of big box stores into the grocery market has driven down wages and benefits for employees of traditional supermarkets.

4. Currently, the grocery sector in Milpitas is dominated by unionized supermarkets and small, locally owned ethnic food stores that add to the city's unique character. Maintaining this balance by allowing such stores to absorb increased market demand is a legitimate planning objective.

5. The EIR states that increased traffic congestion beyond thresholds of significance will be an unavoidable adverse impact of Walmart's proposed expansion.

6. You can reasonably infer that increased crime will result from allowing Walmart to remain open all night long while selling alcoholic beverages until 2 A.M.

7. Walmart's proposal to convert existing general merchandise sales space to grocery sales will result in a loss of sales tax revenues to the City.

Walmart does not have any legal entitlement to expand its store. Its proposal requires a revocable conditional use permit that you can deny for any reason consistent with the general welfare. Therefore, please do the right thing and reject the company's application.

Sincerely,

Kaite Rathbertz

Planning Commission
City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

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Sincerely,

Aruna Bisen
3112 melchester Dr.
S.J, CA, 95132

Planning Commission
City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

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Sincerely,

Vanshaj Prabhakar

Planning Commission
City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

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Sincerely,

Greg Wardle
439 Camille Circle #14
San Jose, CA 95134

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City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

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Sincerely,

Sangeeta Prabhakar
3156, Knights Bridge Rd
San Jose, CA 95132

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City of Milpitas
c/o Cindy Hom
455 E. Calaveras Boulevard
Milpitas, CA 95035

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Sincerely,

Nilesh Pathak
2021 N Milpitas Blvd Apt #207
Milpitas CA 95035

Kranti Pathak
2021 N. Milpitas Blvd.
Milpitas

17 March 2010

Milpitas Planning Commission
c/o Cindy Hom, Planning Department
455 East Calaveras Blvd

Milpitas CA 95035

Dear Planning Commission Members

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I see NO downside in providing a better opportunity for our Milpitas Citizens; it's a Win- Win situation for our community.

Please, Please, do not stand idly by while this golden opportunity exists for Milpitas.

I implore you to approve Wal-Mart's expansion so that our entire community can benefit.

Thank you

James Stoneberger

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Cindy Hom

From: Mary Lavelle
Sent: Thursday, March 18, 2010 10:49 AM
To: James Lindsay; Cindy Hom
Subject: FW: Walmart

From: Alice Silva [mailto:licha1227@gmail.com]
Sent: Wednesday, March 17, 2010 2:17 PM
To: Mary Lavelle
Subject: Walmart

We love the idea of Walmart expansion. It is very helpful for us, Seniors.

Sincerely
Alice P. Silva

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4953 (20100317) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Rafael Sanchez

Address 1047 Pebble Brk Ct

Email rsl1959@yahoo.com

Phone (408) 272-8074

Date 3/13/10

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I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I would Love to have one of the walmarts expanded into a Super walmart that would be incredible

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name DILCIA D. ALCAZAR
Address 2542 Yerba Hills
Email dilcia_alcazar@yahoo.com
Phone 510-453-4973
Date 3/13/2010

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I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments This addition would be a wonderful service to the community.

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Norma L. Hymes

Address 1981 Tate St. #10

Email normahymes@yahoo.com

Phone 650-630-7772

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments GREAT IDEA, I DON'T HAVE TO GO TOO FAR OUT

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name A. WATCHA

Address 952 BLAZINGWOOD

Email

Phone (408) 732-9106

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Richard Estacio

Address 32 Greentree Way Milpitas, CA 95035

Email Orb2006@sbcglobal.net

Phone 408 263-8436

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Fronila Evangelista

Address 1773 Crater Lk Ave

Email_____

Phone 408-582-8482

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name REGINA DELA CRUZ

Address 154 BUSKIRK ST.

Email

Phone (408) 807-4401

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name ROBERT TIBKE

Address 2053 LAKEWOOD DR

Email_____

Phone_____

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

Isabelita Jaucian
I like to expand
Walmart & makes
us easy to Shop

Sincerely,

Name Isabelita Jaucian

Address 189 Abbott Ave.

Email

Phone

Date

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Pat / Pa Lere

Address 3669 Norfolk

Email_____

Phone_____

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Irene + Terry Greene

Address 427 Los Encinos Ave

Email_____

Phone_____

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

I am longtime customer at Walmart.
I enjoy shopping here as I get good deals.
I'll love to see Walmart can expand
it's service here.

Sincerely,

Name Charlene Huang (Xiaolin Huang)

Address 70 IMAGES CIRCLE

Email charlene168@yahoo.com

Phone 408-807-0703

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Patty Bal

Address 1933 Edgecrest dr

Email

Phone 408-504-5876

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Michelle Silva

Address 3553 Mt Pleasant Ct

Email_____

Phone_____

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name ROBERT MCINTYRE

Address 1225 PRESCOTT AVE.

Email RMCIN2500@att.com

Phone 408-737-1851

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Amin Fazal

Address 1775 Milmont Dr, P301, Milpitas CA

Email way2faz@gmail.com

Phone ~~408~~ 650-799-8950

Date_____

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Angelique Moutour

Address 633 Lisbon Ave

Email_____

Phone 408-506-9444

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Barbie Balkcar

Address 3314 San Marino Av

Email

Phone 408-883-0635

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Carolyn Dang

Address 2157 Oakland Rd #287

Email

Phone 828-7141

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name ISSAC mata

Address 1267 Mirabeau Ln

Email

Phone 408 712-6330

Date 3-12-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Bernardo Avelar

Address 183 Laumer av

Email Bernardo408@yahoo.com

Phone 408 661-1930

Date 3-13-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments We would love a Supercenter

Sincerely,

Name Katherine Reavis

Address 2151 Oakland Rd #316

Email katie_reavis@hotmail.com

Phone 602-524-9712

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Marisa Medrano

Address 56 Vermont AVE

Email

Phone (408) 677-1365

Date 3-14-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Josephine Galvez

Address 2273 Poplar Dr

Email fiaccanno@ymail.com

Phone_____

Date_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Roxann Medrano

Address 56 Viewmont Ave.

Email

Phone (408) 621-1338

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name O. Natalie R. Rich

Address 755 E. Capitol Ave #E301, Milpitas 95035

Email_____

Phone 408 802 2081

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name YUFU HUANG

Address 673 GRIULEY

Email [illegible]@gmail.com

Phone 408 506-2419

Date 3/12/2010

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments WAL-MART IS THE BEST & MORE CONVENIENT STORE TO SHOP.

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name CONRADO BOAC

Address 395 CARNEGIE DRIVE

Email

Phone (408) 946-4519

Date 03-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I believe it would be good to increase jobs in Milpitas as well.

Sincerely,

Name Janean Frank

Address 372 San Andreas Dr

Email jdfrank@netzero.net

Phone 408-263-7279

Date 3-13-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Yes — for super Wal-Mart!

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Kathy Kane

Address 4516 Carlyle Ct. #1612

Email KKane8877@hotmail.com

Phone 512-658-7562

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name ANTONY PEREZ

Address 323 MOWRY

Email 322. a.

Phone

Date 3-13-00

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Patrick Villados

Address 352 Morengo way

Email pvillados@Gmail.com

Phone 408-207-3022

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Tony Mercado

Address 1353 Abernathy Dr.

Email tonymercado@prodigy.net

Phone_____

Date 3-10-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Rachel Cayabyab

Address 178 Heath St.

Email_____

Phone_____

Date 3-18-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

Convenience !!!

Sincerely,

Name John Cao

Address 2836 Plumas Dr

Email victorcao5@yahoo.com

Phone (408) 417-9381

Date 3/12/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments MORE ASIAN PRODUCTS, PRODUCE, GAS STATION, DOUBLE SIZE THE STORE

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name MARCOS BAUTISTA

Address 1319 SANDIA AVE

Email

Phone (408) 732-3919

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Please expaind the store

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Deseplee Knight

Address 2022 Nightingale St

Email WeWR AND Persia At Yahoo

Phone (408) 627-3006

Date 3-13-2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Rosie Lujan
Address 1577 Wabash st.
Email
Phone 408 806-1857
Date 3-13-98

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Sue Kinores
Address 35417 ROCA DR.
Email SueKinores@comcast.Net
Phone 510-796-4474
Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments We like to shop at Walmart. This expansion is what we need to stretch our dollars. Thank God for Walmart.

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Lambert Lum

Address 1256 Creighton Ct

Email cmceelam@warpmail.net

Phone 408 262 2812

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Raven Myrick
Address 2120 Monroe St. #3
Email Raven_myrick1@hotmail.com
Phone
Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Tony Carvalho

Address 3001 Manor ave

Email

Phone (408) 249-2710

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Electronic need more people to work, didn't ~~not~~ get to ask Question because someone was on the phone for twenty-mintues and I left.

Sincerely,

Name AmanPal Dhillon

Address 133 Mickman Way

Email

Phone (408) 273-4786

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Derek S. Sullivan

Address 3802 Vistaview Dr.

Email_____

Phone_____

Date 3-14-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Drena Lopez
Address 933 Willowleaf Drive
Email drenalopez@gmail.com
Phone

Date March 13 2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Tim Chang

Address 2343 Cascade St Milpitas 95035

Email timchang650@gmail.com

Phone_____

Date 3/14/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I know there very nice they need that here

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Dolores

Address P.O. Box 1042

Email Dolorescstrabo@yahoo.com

Phone —

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

_____

_____

_____

_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Justin Belasco

Address 522 EASTER AVE

Email_____

Phone 408 256-9027

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Blanca Hernandez

Address 1220 TASMAN Dr SPC 524

Email_____

Phone 408-329 25-52

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Excellent idea!

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Kim Ken Thomas

Address 987 Baird Ave

Email its-me@Att.Net

Phone 408 355-8887

Date 3/13/2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Alejandro Noren
Address 1404 lakewood dr
Email 180hueg@live.com
Phone (408) 391-3891
Date March 13, 2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Luis A.

Address 2021 N. Milpitas blvd

Email

Phone (408) 300-4754

Date 03-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Nereyda Taylor

Address 968 Linda Vista st

Email_____

Phone_____

Date 3/13/2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name SINIVA S. GRAPOK

Address 31770 ALVARADO BLVD.

Email_____

Phone (808) 375-1333

Date 3/13/2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Gi Delgado

Address 4658 Wilcox Ave

Email_____

Phone 408 564-5695

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Emilio Vargas

Address 220 Valley Ct.

Email_____

Phone_____

Date 03/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Norma M. PILAPIL

Address 257 Mazey St Milpitas Ca. 95035

Email

Phone 408-935-9135

Date 3-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 1 8 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Dawn Rabluff

Address 2934 Mabury ct.

Email Dawn118@yahoo.com

Phone 408-493-6192

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Victor Vurpillat

Address 3972 Clayton Way

Email VVurpillat@usa.net

Phone 408-923-1680

Date 3/15/2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

I would love to have this Wal-Mart to become a Super Center. I shop here 2-3 x's a week and I would purchase more when you expand. :)

Sincerely, Teresa Bell

Name Teresa Bell

Address 1776 Oakland Rd.

Email christ4lifetb@yahoo.com

Phone 408-392-0147

Date 3-13-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Love coming here!

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Emmanuel Hibbert

Address 209 Selwyn Dr.

Email

Phone 449-8389

Date March 13 2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I think this would be great!

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Lacole Green

Address 249 Selwyn Dr

Email

Phone 249-8389

Date March 13 2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Good Idea - Great prices. Good area

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Steven Green

Address 249 Selwyn dr

Email

Phone 449-8389

Date March 13 2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Robert Washington

Address 3592 Minto Ct

Email

Phone 408-401-0314

Date 3-13-2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Yes! Please expand Wal Mart.

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Margaret Winland

Address 703 San Pablo

Email ——

Phone 408 480-1074

Date 4/13

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Ashley Minnis
Address 733 Linda Flora
Email
Phone (408) 990-5757
Date 3/11/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Yes

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Raylean Busch

Address 37127 - San Antonio St

Email

Phone (510) 739-0152

Date 3-13-2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Yes,

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Jeremiah Guerra

Address 389 Heath Street

Email

Phone (408) 561-2263

Date 3/13/09

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Petra Martinez

Address 1017 Summerdale

Email

Phone 408 592-0067

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Waiting for it to happen.

Sincerely,

Name Jim Hernandez

Address 3439 Hostetter Rd.

Email

Phone 408 449-5763

Date 3/18/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name LaConya Gilbert

Address 1024 Wayne Ave #24

Email laconya.gilbert@yahoo.com

Phone 650 283 2833

Date Wed 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Leonie Capistrano

Address 3353 Quesada Dr.

Email

Phone 408-531-8136

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 1 8 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Amy B Ayala

Address N. 8th street

Email

Phone (408) 649-0218

Date 3/13/2010

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Carolyn Botelho
Address 10798 Porter Ln
Email
Phone 408 258-5797

Date

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Naomi Tyler

Address 3435 Neves way

Email naomi-Tyler35@yaho

Phone

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Sonia Jeronimo
Address 565 Sacramento St
Email soniae.jmo1@yahoo.com
Phone 6506306428
Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Gemma Renteria

Address 13610 HIGHWOOD DR.

Email Gemiou@yahoo.com

Phone (408) 313-8856

Date 03-13-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Shatavia McCoy
Address 1530 Diel Dr.
Email BigMouth_58@yahoo.com
Phone (650) 630-5527
Date 3-12-10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name PATRICIA FORBES

Address 4441 Renaissance Dr #425

Email fastbratt@yahoo.com

Phone 8357748

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Len B. Dublin

Address 2273 Bikin ave

Email lenbdublin@comcast.net

Phone (408) 298-2321

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name J. Ihrig

Address 2151 Oakland Rd.

Email ✓

Phone

Date 3-19-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Sincerely,

Name Jeanna Lewis

Address 2608 Marylinnor Apt. 3 Milpitas

Email jeanna_lewis2005@yahoo.com 95035

Phone (408) 945-1983

Date 3/13/10

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Dontae Lartigue

Address 270 Umberger Rd. #113

Email Dontae lartigue@yahoo.com

Phone (408) 224-4872

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Dalia Herrera

Address 182 Seaside Dr.

Email dalia-herrera@yahoo.com

Phone 408 499-6611

Date 3-12-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name R. Bringas

Address P.O. Box 642084 SJ 95164

Email_____

Phone_____

Date_____

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Latasha Mixon

Address 4531 Renaissance Dr. 338 San Jose 95134

Email faceehoney2@yahoo.com

Phone_____

Date 3-12-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Antonio Carmona

Address 4271 N. First st #48 SJ CA 95134

Email_____

Phone_____

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments It would be great

Everything in One Store

Sincerely,

Name Imly

Address woodmeadow ct, Sj 95131

Email imly75@yahoo.com

Phone

Date

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Mayra R.

Address 1808 Virginia Ave San Jose CA 95116

Email mayraroom94@yahoo.com

Phone (408) 493-5843

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Stephanie Garcia

Address 1802 canal way, San Jose

Email scaldwell2002@aol.com

Phone_____

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Rosie Zamarra

Address P.O Box 26713

Email SJ 95159

Phone 408-823 3510

Date 3/3/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Jonathan Gomez

Address 444 Los encinos Ave. San Jose Ca.

Email Jraiders@yahoo.com

Phone 408 660 6588

Date 3-12-10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Jamantha Torres

Address 1350 oakland Rd SJ CA 95112

Email Torres7033@yahoo.com

Phone (408) 437-1956

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Angelica Torres

Address 1355 Oakland Rd SJ CA 95112

Email TAPS7033@yahoo.com

Phone 408-437-1956

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name geraldine fernandez

Address 304 Manchester Dr. SJ, CA, 95127

Email_____

Phone 408-854-9388

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Carlene Escalante

Address 1215 Joanne ct Sd

Email

Phone (408) 535-2173

Date 3/18/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name James Minnis

Address 437 Lundy Sj 95132

Email

Phone (408) 394-6619

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Clarissa Pacheco

Address 2150 Almaden Rd. Sp. 91 San Jose CA 95125

Email manuelsanjose8@aol.com

Phone 408-269-1264

Date_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Oscar Mendez

Address 2051 Pecina Dr San Jose CA 95116

Email Mendez Oscar 1930@yahoo.com

Phone (408) 926 0795

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Amy Ont

Address 1190 Jose Figueres Ave San Jose

Email May 655@yahoo.com

Phone

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name LOURDES QUIZON

Address 1233 HAZLETT CT. SJ, CA 95131

Email

Phone (408) 899-6776

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name David Silva

Address 3553 Mt Pleasant Ct S.J.

Email_____

Phone_____

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Patricia Hader

Address 85 Rio Robles East #3202

Email San Jose, CA 95134

Phone_____

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I Jesse R Balder would like to see this store go. Super Conda

Sincerely,

Name Jesse

Address 1851 Thousand Oaks Way San Jose CA

Email

Phone (408) 463-8927

Date 3/11/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

I Support the expansion plan

Sincerely,

Name Chandhramohan

Address 1265 N capitol Ave

Email chandhramohan@gmail.com.

Phone

Date 03-13-09

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Kristie Nuñez

Address 1277 Cabrillo Ave

Email bebgrl2007@yahoo.com

Phone (408) 824-3636

Date march 13, 2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Junior

Address 1863 threadleneedle way

Email_____

Phone_____

Date 3-13-10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments I support the expansions

Sincerely,

Name Balakrishna Nayak

Address 39473 Sundale Dr

Email ybnyk@hotmail.com

Phone 408-674-8487

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Theresa Butcher

Address 1575 NorthStar

Email

Phone (408) 357-2135

Date 3/13/2010

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Additional Comments_____

Sincerely,

Name [illegible]

Address 1572 [illegible] Cv 95 CA 302

Email_____

Phone_____

Date 03/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Dan Scoggins

Address 1324 S. Winchester #02

Email Sroggins davey@yahoo.com

Phone 408 844 3528

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Jimmy Pham

Address 2964 Rwindale Dr

Email jpham408@gmail.com

Phone 408-603-6534

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Al Dimino

Address 2773 Borchart Dr.

Email

Phone 408 369-2400

Date March 13, 2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Nicole Mixon

Address 1818 Sunnyhills Dr.

Email nmixm30@yahoo.com

Phone (408) 501-9485

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Josefina Jacaps

Address 220 Valley St Milpitas CA

Email_____

Phone_____

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

that's a good idea

I support the proposal

Sincerely,

Name CESAREA PARAS

Address 4616 ARMOUR DR

Email

Phone (408) 496-1078

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Rena Betancourt

Address 1633 Goldentree Dr

Email renamari@pacbell.net

Phone_____

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Luz E Valenzuela

Address 2660 Peridot Drive

Email_____

Phone (408) 449-3322

Date 3-13-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Magaly Fernandez

Address 2738 Kolimar Dr. #7

Email_____

Phone (408) 449-1358

Date 03/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Additional Comments_____

Sincerely,

Name Francisco Contreras

Address 2738 Kollmar Dr. #7

Email

Phone (408) 449-1358

Date 03/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name LISA QUINTANA

Address 1490 Olympic Milpitas

Email_____

Phone 408 807 0761

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name FRANCISCO QUINTANA

Address 1490 OLYMPIC DR

Email

Phone 408-946-7255

Date 3-13-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Lucas Ortiz

Address 1670 Sameda

Email lucass_74@hotmail.com

Phone

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name CESAR CALILUNG A.

Address 755 E. CAPITOL AVE. MILPITAS

Email_____

Phone_____

Date_____

RECEIVED

MAR 1 8 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Mary Villanueva.

Address 834. Spindrift Ct. 95138

Email_____

Phone 903-7753.

Date 3/12/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Veronica Villareal

Address 834 Spandrift way

Email Veronicavillareal83@yahoo.com

Phone (408) 726-6769

Date 3-13-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Angela Clark

Address 910 Coventry Cir

Email gymnecye@hotmail.com

Phone 469 2459

Date 3-13-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name SHARON YAEGER

Address 856 EVANS RD MILPITAS

Email SHARONY19@YAHOO.COM

Phone —

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name VIRGINIA ESMENDA

Address

Email gigiesmonda@yahoo.com

Phone 412 726 5835

Date 3/12/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Lin, Ping

Address 2822 Pearlstone Dr

Email PingW.Lin@gmail.com

Phone

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Very Convenient

Sincerely,

Name Sylvia Reyes

Address 3251 Princeton Santa Clara

Email Aselm99@yahoo.

Phone 408-836-7210

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

much needed

Sincerely,

Name D Perrin

Address 1050 Benton Santa Clara

Email

Phone

Date 3/18/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Liza San Luis

Address 3562 ABERDEEN ST. SC 95054

Email

Phone (408) 982-0103

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name MIGNON JACKSON

Address 4445 LAFAYETTE ST SC 95054

Email

Phone (650) 787-2721

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name DAVID PEREZ

Address PO Box 2029 Santa Clara CA 95055

Email

Phone 408-743-5422

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name BECKY PALETZ

Address PO Box 2029 Santa Clara 95055

Email

Phone 408-743-5422

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Rocky L. Qualls Jr

Address 2220 Park ave. Santa Clara Ca 95050

Email R. Qualls jr @ Yahoo.com

Phone 408 512 0971

Date 03/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Janet Kinsman

Address 890 Burbank Dr Santa Clara

Email

Phone 408-244-5154

Date 3-12-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name AMANDA MYRICK

Address 2120 Monroe St.

Email Amanda_Myrick89@yahoo.com

Phone_____

Date MARCH 13, 2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments We need this expansion

Sincerely,

Name Judy Schwab

Address 897 Henderson ave Sunnyvale, ca. 94086

Email

Phone 408 524 5359

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

Sincerely,

Name Bharat Belavadi

Address 1063, Mosse Ave, Sunnyvale 94089

Email bharatbelavadi@gmail.com

Phone 510 314 4142

Date 03/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Nancy Cay

Address 664 Santa Paula Ave, Sunnyvale CA

Email nancy-cay@yahoo.com

Phone 408 505 4956

Date 3/13/10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Roxanne Gurman

Address 251 Twinlake dr. Sunnyvale

Email Roxanne_Gurman1@Yahoo.com

Phone 510 415 3075

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Please!

Sincerely,

Name Tom DeRocha

Address 1225 Vienna Dr 666 Sunnyvale CA 94089

Email tmarie+@SBCGlobal.net

Phone 408-202-0214

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Its a great idea can't wait for the produce area.

Sincerely,

Name Khalil Lugman

Address 86 N. Market st 95113

Email

Phone 720 514-3295

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

Sincerely,

Name Ernest Lira

Address 1828 Ivie Ct SJ ca, 95116

Email N/A

Phone N/A

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments [illegible]

Sincerely,

Name Sylvia Morales

Address 410 N. White RD. #163

Email San Jose, CA 95127

Phone 408 500-3753

Date 3-13-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Great Idea

Sincerely,

Name Beatrice Sapien

Address 1188 Tobias Ave

Email San Jose CA 95122

Phone (408) 272-2916

Date

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Pat Miller

Address 777 Sherman Oaks

Email S. Jose 95128

Phone 830-4931

Date_____

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MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name JR SALVADOR

Address 3789 ASHBROOKE LN SJ CA 95121

Email JRSALVADOR784@YAHOO.COM

Phone 408 381-7625

Date 3/13/2009

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Monique Rodriguez
Address 1277 Gabrillo Ave S.J Ca 95132
Email monique_Rodriguez2000@yahoo.com
Phone 408 375 5190
Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Jordan Lopez

Address 850 Merridan Way #40

Email San Jose, CA 95126

Phone

Date 3/13/2010

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Carl Chang

Address 1740 Queens Crossing Dr

Email S.J. Ca

Phone_____

Date_____

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Yeah we need more food in the community.

Sincerely,

Name Armando Rocha Jr.

Address 1808 Virginia Ave 95116 San Jose, CA

Email armando-rocha92@yahoo.com

Phone 420-1400

Date March 15, 2010

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name FELIPE DUMBRIQUE

Address 166 N. JACKSON AVE APT F-Y SAN JOSE

Email_____

Phone 408-923-2348

Date 3/12/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments Would be GREAT!

Sincerely,

Name DONNY CARDOZA

Address 13784 Silver Ave SJ. CA - 95127

Email

Phone 408 373 - 9124

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments

THE Bigger the better

Sincerely,

Name Ernest Lina

Address 1828 Luke Ct SJ. Ca. 95116

Email N/A

Phone

Date 3-13-2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Additional Comments_____

Sincerely,

Name OLEOFE R- OSIGAN

Address 4301 RENAISSANCE DR.
SAN JOSE CA 9304

Email

Phone (408) 649- 6213

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Rosalina. Gomez

Address 444 Los Encinos Ave San Jose CA. 95134

Email

Phone (408) 564-9749

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Shelley Guthier

Address 4271 North First St. #60

Email guthiersen@aol.com

Phone 408-655-2245

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

Expanding the Milpitas Walmart will increase consumer choice and tax revenue for the city, as well as provide dozens of new jobs for local residents. Many Milpitas area residents rely on Walmart for our most essential shopping needs and Walmart has proven over the years to be an active and important member of the Milpitas community.

Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Marie Hoff

Address 54 Lustar Ave #5 San Jose CA 95125

Email

Phone (408) 469-6409

Date

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Frank Valenzuela

Address 130 Roundtable dr #I-1 San Jose 95111

Email BeaverAYuma@Gmail.com

Phone 408 561-9747

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name JESSIE R. FLORES

Address 1894 CAMARGO DR SAN JOSE CA.

Email

Phone 408. 931 2069

Date 03/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Stephanie Colombo

Address 1612 Hallbrook Dr SJ

Email_____

Phone 408 723-1573

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Lawrence Haley

Address 231 Polaris way DC 94015

Email_____

Phone_____

Date 3/18/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments It' will be great to see the store expended.

Sincerely,

Name Puja Sharma

Address 1901 Halford Ave, 95051, CA

Email pujas177@yahoo.com

Phone -

Date 03/12/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name JAMIE Plummer

Address 290 Turk ST. S.F. 94102

Email JAMIEPlummer94@yahoo.com

Phone 415-450-5371

Date 3/18/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments First time here

Nice clean store

Sincerely,

Name Maria Flores

Address 43160 Lindenwood St

Email Fmt. CA

Phone 94538

Date March 13, 2010

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name REYNALDO SAURA

Address_____

Email_____

Phone 408 661 0489

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Ravi Sahu

Address

Email sahuravi@gmail.com

Phone 408-661-6940

Date 03/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Samuel

Address

Email

Phone (408) 558-4080

Date 03/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Denise Tinio

Address_____

Email_____

Phone (408) 807-4371

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Norma Sanchez

Address 231 Polaris Way DC Ca 94014

Email

Phone (650) 438-2935

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Mark Sutherfield

Address Fremont CA 94536

Email

Phone (510) 683-1290

Date 3-13-10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Joellen Sutherfield

Address Fremont CA 94536

Email

Phone 510 683-1240

Date 3-13-10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Alicia Diaz

Address

Email ramon91599@yahoo.com

Phone 510 581 3180

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Yong nan Jin

Address 20903 Fargo Dr Cupertino CA 95014

Email Jinyongnan.zhang@163.com

Phone (408-565-5972

Date 3/15/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

I am a Walmart shopper and I support the plans to expand the Milpitas Walmart on Ranch Drive.

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments more than Welcome.

Sincerely,

Name Norma A. Aldana

Address 1456 Grand Blv. Alviso CA 95002

Email

Phone (408) 262-67-97

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments It would be nice to have a place to get all your shopping done and not drive to three or more stores.

Sincerely,

Name Nancy Soto

Address 231- Kerwin Ave Oakland, ca. 94603.

Email

Phone

Date 3/13/2010

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Additional Comments_____

Sincerely,

Name Fernando Cardoza

Address_____

Email_____

Phone_____

Date 3-13-10

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name Chino

Address

Email

Phone 408-887-2148

Date 3-13-10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Additional Comments_____

Sincerely,

Name Veronica Balderr.

Address_____

Email_____

Phone 408-509-5876

Date 3-13-10

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MAR 18 2010
CITY OF MILPITAS
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Additional Comments_____

Sincerely,

Name Edgar Diaz

Address_____

Email_____

Phone 408-667-1132

Date 3-13-10

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MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name [illegible]

Address 335 Alviso

Email

Phone 209-648-1070

Date 3/13/10

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION

Dear Milpitas Planning Commissioners,

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Please vote to certify the EIR and to support Walmart's expansion plans for its Milpitas store.

Additional Comments_____

Sincerely,

Name TiA Martini

Address P.O. Box 2970 Castro Valley CA 94546

Email RP8191@aol.com

Phone 510-6588321

Date 3/13/10

RECEIVED

MAR 18 2010

CITY OF MILPITAS
PLANNING DIVISION

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Additional Comments_____

Sincerely,

Name Joy Guzman

Address joyguzman@yahoo.com

Email

Phone 408 219 7899

Date

RECEIVED
MAR 18 2010
CITY OF MILPITAS
PLANNING DIVISION