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October 21, 2011

RECEIVED

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**CITY OF MILPITAS
PLANNING DIVISION****BY U.S. MAIL**James Lindsay, Director
City of Milpitas Planning
& Neighborhood Services
455 East Calaveras Boulevard
Milpitas, CA 95035
Fax: (408) 586-3305**Re: Comments on the City of Milpitas's Consideration of the Site
Development Permit for the McCandless Mixed Use Project**

Dear Mr. Lindsay:

We are writing on behalf of the Milpitas Coalition for Responsible Development ("Coalition")¹ to comment on the proposed approval of the Site Development Permit for the McCandless Mixed Use Project ("Project"). The Project proposes development of 92,000 square feet of retail space, 1,328 residential units and infrastructure, roadway and open-space improvements.² It will either be divided into eight, free-standing buildings³ or four free-standing buildings and twenty-nine single-family units.⁴ Buildings 1-4 encompass Phase I and Buildings 5-8/33 encompass Phase II. As we understand, the Applicant has submitted only a Site Development Permit application for Buildings 1 and 2 of the proposed Project.

¹ The Milpitas Residents for Responsible Development is comprised of residents Ricardo Bauzon, Tot V. Tran and Albert Thompson of the City of Milpitas, Plumbers and Steamfitters, Local 393, the International Brotherhood of Electrical Workers, Local 332, Sheetmetal Workers, Local 104 and their members and their families and other individuals that live and/or work in the City of Milpitas.

² City of Milpitas, CEQA Addendum Mitigated Negative Declaration No. EA08-0005 for McCandless Mixed Use Project, May, 26, 2010, p. 2 (hereafter "CEQA Addendum").

³ City of Milpitas Engineering Division, Improvement Plans for McCandless Tract (Excerpt From Improvement Plan Set For Use In Building 1 & 2 Plan Review (20% Level Plans)).

⁴ Ruggeri-Jensen-Azar Engineers Planners Surveyors, Residential Development Plan – Lots 5-33 McCandless, Sheet RDP-1.

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The City is waiting for the Applicant to submit an application for Buildings 3 and 4 before considering Permit approval.

The City's proposed Permit approval fails to comply with the California Environmental Quality Act ("CEQA")⁵ and the California Water Code.⁶ The Permit decision is a discretionary action subject to CEQA and the City may not rely on the 2008 Programmatic Environmental Impact Report ("PEIR") for the Transit Area Specific Plan, or the 2008 Mitigated Negative Declaration ("MND") prepared to review the Project "in concept only."⁷ The City must, therefore, conduct subsequent CEQA review prior to Permit approval. The City's environmental review must consider the "whole" of the Project, which includes both Phases I and II.⁸ The City must also prepare a Water Supply Assessment ("WSA") and incorporate it into the environmental review document as required by CEQA, the California Water Code and the City's own Conditions of Approval.⁹

I. INTRODUCTION

A. Statement of Interest

The Coalition has a strong interest in enforcing environmental laws such as CEQA. Coalition members reside, recreate and work in the City of Milpitas and may work on the Project itself. Accordingly, these members will be directly affected by the environmental impacts of the Project. Members also live in and use areas that will suffer the impacts related to development, including visual intrusion, destruction of wildlife resources and traffic congestion. In addition, the individual members who work on the Project would be first in line to be exposed to fugitive dust, poor air quality and any other unmitigated safety hazards that may exist onsite.

⁵ Pub. Resources Code, §§ 21000 et seq.

⁶ Wat. Code, §§ 10910 et seq.

⁷ 14 Cal. Code Regs., tit. 14, § 15152, subd. (f) (hereafter "CEQA Guidelines"); see also Dyett & Bhatia, Draft Environmental Impact Report Milpitas Transit Area Specific Plan, Oct. 2007 (hereafter "Draft PEIR"); Dyett & Bhatia et al., Final Environmental Impact Report Milpitas Transit Area Specific Plan, May 2008 (hereafter "Final PEIR"); City of Milpitas, McCandless Mixed Use Project Initial Study, Nov. 2008, p. 3 (hereafter "MND").

⁸ Pub. Resources Code, §§ 21065, 21080, subd. (a); CEQA Guidelines, §§ 15002, subd. (b), 15003, subd. (h), 15165, 15378, Appendix G, No. 8.

⁹ Pub. Resources Code, § 21151.9; Wat. Code, §§ 10910, subd. (b), 10912, subd. (a)(1); Conditions of Approval, McCandless Mixed Use Project (MT08-0002, UP08-0046), Project Conditions, No. 7 (hereafter "Conditions of Approval").

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Coalition members support environmentally sound land use and development in the City. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there. Indeed, continued degradation can, and has, caused construction moratoria, eliminated protected species and their habitat, used limited fresh water, and put added stresses on the public service and environmental carrying capacity of the State. This reduces future employment opportunities. Finally, members are concerned about projects that carry serious environmental risks and public service infrastructure demands without providing countervailing employment and economic benefits to local workers and communities.

B. Project Background

The City has conducted environmental review for previous land use actions related to the Project site. A PEIR was adopted in June 2008 for the Transit Area Specific Plan, in which this Project is located. In November 2008, the City released an MND to evaluate the potential impacts of the development of 1,573 residential units and 92,757 square feet of retail in nine free standing buildings. In May 2010, the scope of the Project changed to include only 1,328 dwelling units and 92,000 square feet of commercial space in eight buildings. The City prepared an Addendum to the MND, which concluded, without any analysis or supportive evidence, that no environmental impacts would occur beyond those impacts already identified in the EIR.¹⁰ The City then relied on the MND to approve an Owner Participation Agreement, Tentative Subdivision Map and Conditional Use Permit in July 2010.

In or around July 2011, the Applicant submitted an amended Tentative Map application. The amended Project maintains the high-density residential units proposed for Phase I, but changes Phase II to single-family attached and courtyard units. Because the amended Tentative Map application does not change the Project description for Buildings 1-4, the only entitlement required for that portion of the Project site is a Site Development Permit. Phase II, however, will most likely require at least a new Tentative Map and a Site Development Permit.

¹⁰ CEQA Addendum, p. 2.

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C. Summary of Comments

The City must conduct additional environmental review before considering the Site Development Permit. As these comments explain, CEQA review is required because approval of a Permit is a discretionary action. The City may not exclusively rely on the PEIR and MND because the Project may have significant impacts not previously analyzed. In addition, the MND and Conditions of Approval expressly deferred certain analyses to the Site Development Permit approval stage. The City must prepare an environmental document that reviews the Project's potentially significant impacts to aesthetics, public health, biological resources, traffic and transportation, stormwater quality and flooding hazards.

Moreover, the City must analyze impacts related to the whole of the Project. That analysis must include impacts that relate to approval of Phases I *and* II. The City may not piecemeal its analysis of the Project so that impacts related to resources such as air quality and traffic would be minimized.

Finally, the City must prepare a WSA. The Project's Conditions of Approval specifically require the City Council to approve a WSA prior to the issuance of any building permit.¹¹ Under California law, however, a WSA is necessary to inform the environmental analysis and must be incorporated into the environmental review document.¹² The City must, therefore, prepare a WSA and incorporate it into the Project-specific CEQA review document.

II. CEQA'S PURPOSE AND GOALS

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.¹³ Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.¹⁴ If the project has a significant effect on the environment, the agency may approve the project only upon a finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable

¹¹ Conditions of Approval, Project Conditions, No. 7.

¹² Pub. Resources Code, § 21151.9; Wat. Code, § 10910, subd. (b).

¹³ CEQA Guidelines, § 15002, subd. (a)(1).

¹⁴ CEQA Guidelines, § 15002(a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1354.

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significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081.¹⁵

III. CEQA REVIEW IS REQUIRED BECAUSE APPROVAL OF A SITE DEVELOPMENT PERMIT IS A DISCRETIONARY ACTION

The Planning Commission’s approval of the Site Development Permit is a discretionary action and environmental review is required. Under CEQA, if an agency’s consideration of a project requires the exercise of judgment or deliberation, the agency must conduct environmental review.¹⁶ Here, the Planning Commission’s consideration of the Site Development Permit requires the exercise of judgment.

Under the Milpitas Municipal Code “[t]he Site Development Permit process provides for review of physical improvements to a site which due to their scale, proximity to environmentally sensitive resource areas, or unique design features, require consideration.”¹⁷ The Planning Commission has broad discretion to consider and judge whether site design features will impact the environment and/or public safety.¹⁸ Based on its judgment, the Planning Commission will decide whether to approve the Permit, deny it or approve with conditions. To inform this decision the City must comply with CEQA and analyze the environmental impacts of Permit approval.

IV. THE PLANNING COMMISSION MAY NOT RELY ON PREVIOUS ENVIRONMENTAL REVIEW FOR SITE DEVELOPMENT PERMIT APPROVAL

A. The City may not rely on the PEIR or the MND to consider approval of the Site Development Permit

The City may not rely on the PEIR or the MND, but must prepare an environmental document that analyzes the specific impacts of Permit approval. “Tiering” is appropriate when the sequence of analysis is from an EIR prepared for a program to a site-specific EIR or negative declaration.¹⁹ However, tiering does not

¹⁵ CEQA Guidelines, § 15092(b)(2)(A)-(B).

¹⁶ CEQA Guidelines, § 15357.

¹⁷ Milpitas Municipal Code, § XI-10-57.03(A)(1).

¹⁸ See *ibid.*

¹⁹ CEQA Guidelines, § 15152, subd. (b).

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excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of a project.²⁰

An environmental document is required for a project within the larger program if the project *may* cause significant effects on the environment.²¹ “If there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence.”²²

As discussed below, there is substantial evidence that approval of a Site Development Permit may have a significant impact on the environment. Specifically, approval of the Site Development Permit may cause impacts to aesthetics, public health, biological resources, traffic, stormwater quality and flooding that were not analyzed in the PEIR or MND. The City may not, therefore, exclusively rely on the PEIR or the MND. Instead, the City must prepare a new, tiered environmental document that analyzes the reasonably foreseeable environmental effects associated with approving the Site Development Permit.

B. The City anticipated later environmental review at the time the Site Development Permit was considered

The City anticipated that it would conduct environmental review at the Site Development Permit approval stage. Under CEQA, when the development of detailed, site-specific document is not feasible at large-scale planning stage, a lead agency may defer site-specific information to a future environmental document.²³ The City specifically chose to defer an Arborist Report, a focused Traffic Impact Analysis and a Storm Water Control Plan package to the Site Development Permit stage.²⁴ The City also has required preparation of a raptor study.²⁵ According to its own requirements, the City must review these reports, studies and plans in a CEQA environmental review document before approving the Site Development Permit.

²⁰ *Ibid.*

²¹ *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1073.

²² *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1319.

²³ CEQA Guidelines, § 15152, subd. (c).

²⁴ MND, p. 12; Conditions of Approval, General Conditions, Nos. 3, 49(a).

²⁵ MND, p. 19.

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V. CEQA REVIEW IS REQUIRED BECAUSE APPROVAL OF A SITE DEVELOPMENT PERMIT MAY RESULT IN ENVIRONMENTAL IMPACTS

A. There is substantial evidence that approval of the Site Development Permit may result in significant impacts to aesthetics

There is substantial evidence in the record that approval of the Site Development Permit may cause significant impacts to aesthetics. The City of Milpitas Municipal Code recognizes the substantial aesthetic importance of trees in the community, and protects trees of significant size, age and/or benefit to the community at large.²⁶ In addition, the MND finds that removal of protected trees on the Project site could degrade the existing visual character or quality of the site and its surroundings resulting in a significant impact.²⁷

The Site Development Permit application proposes to remove protected trees and “[a]ll trees on both sides of McCandless.”²⁸ According to the Municipal Code and MND, removal of these trees would result in a significant impact. The record thus contains substantial evidence that approval of the Site Development Permit may have significant impacts to aesthetic resources.

In order to comply with mitigation measures contained in the MND and to enable an analysis of the Project’s impacts to trees, the Applicant submitted a Tree Survey with its Site Development Permit application.²⁹ The Survey includes information on the species, health and structure of trees on the Project site. It also indicates whether the trees will be relocated, replaced or preserved.

An analysis of the Tree Survey must be included in a CEQA document. The Tree Survey provides further evidence that protected trees will be relocated or replaced resulting in potentially significant impacts to aesthetics. There is no evidence that relocating or replacing trees will reduce this impact to a less-than-significant level.

²⁶ Milpitas Municipal Code, § X-2-1.02.

²⁷ MND, p. 11.

²⁸ McCandless Project – Integral Communities, Responses to First Plan Check City Comments, June 6, 2011, pp. 2, 11 (on file with the City) (hereafter “June 6, 2011 Responses”).

²⁹ Existing Tree Survey For Lot #1, Parcel #92 (on file with the City); Existing Tree Survey for Lot #2, Parcel #93 (on file with the City).

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Under CEQA, the public and decision makers must be able to assess the significance of a potential impact and the adequacy of proposed mitigation measures. This assessment must be contained in a CEQA document circulated for public review.

B. There is substantial evidence that approval of the Site Development Permit may result in significant impacts to public health from toxic air contaminant emissions

There is substantial evidence on the record that the Project may have a significant impact to public health from toxic air contaminants (“TAC”) emissions. Specifically, Permit approval could expose sensitive receptors to harmful TAC emissions from nearby industrial uses, rail lines and vehicle exhaust. CEQA requires agencies to examine whether a proposed Project could expose sensitive receptors to substantial pollutant concentrations.³⁰

Although both the Bay Area Air Quality Management District (“BAAQMD”) and the City have recognized that TACs in the Project area may be significant, the City has not conducted Project-specific environmental review. The use of setbacks may be incorporated into the Site Development Permit to mitigate potentially significant TAC emissions. The City must, therefore, analyze this potentially significant impact in a CEQA environmental review document before considering approval of the Permit.

Exposure to TAC emissions can have significant health effects. TACs can cause long-term effects such as cancer, birth defects, neurological damage, asthma, bronchitis or genetic damage.³¹ They can also cause short-term acute effects such as eye watering, respiratory irritation, running nose, throat pain and headaches.³²

To protect against these potentially significant impacts, the BAAQMD recommends that lead agencies identify all TACs and PM2.5 sources located within a 1,000 foot radius of a proposed project site and beyond where appropriate.³³

³⁰ CEQA Guidelines, Appendix G, subd. (III)(d).

³¹ BAAQMD, California Environmental Quality Act, Air Quality Guidelines, May 2011, p. 5-1 (hereafter “BAAQMD Guidelines”).

³² *Ibid.*

³³ *Id.* at p. 5-8.

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The BAAQMD commented on the Draft PEIR stating that the Specific Plan was not sufficient to reduce TAC impacts to a less-than-significant level.³⁴ In response to the BAAQMD's comments, the City incorporated mitigation measures requiring "all new development under the proposed Plan" to be subject to further CEQA review to evaluate Project-level impacts of TACs.³⁵ Analysis of the potential impacts would include an identification of receptors locating near toxic sources.³⁶ Common TACs sources include gasoline stations, dry cleaners, diesel backup generators, on-road motor vehicles and off-road sources such as construction equipment, ships and trains.³⁷

Many of these sources exist within 1,000 feet of the Project site. There are several BAAQMD permitted sources surrounding the Project site, which may emit TACs.³⁸ In addition, the Project is located at the busy intersection of Great Mall Parkway and McCandless Drive and near McCandless Drive and Montague Parkway which operates at LOS F.³⁹ TACs from the on-road motor vehicles surrounding the Project site may cause significant health impacts to residential users on the Project site.

Because substantial evidence exists that Project development may expose sensitive residential receptors to high TACs emissions, the City must conduct a Health Risk Assessment and include the study in a CEQA document that is circulated for public review. An assessment is required under the City's own mitigation measures that were incorporated into the Transit Area Specific Plan. If an analysis concludes that TACs emissions will exceed CEQA thresholds, the City may incorporate setbacks and other conditions into the Site Development Permit to mitigate the impact.

³⁴ See Jean Roggenkamp, Deputy Air Pollution Control Officer, letter to Scott Gregory, Contract Planner to the City of Milpitas, Dec. 20, 2007, p. 1 (on file with the City).

³⁵ Final PEIR, p. 2-22.

³⁶ *Ibid.*

³⁷ BAAQMD Guidelines, p. 5-2.

³⁸ Google Earth Image, May 1, 2011 (Attachment A).

³⁹ Draft PEIR, pp. 3.3-18, 3.3-31.

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C. There is substantial evidence that approval of the Site Development Permit may result in significant impacts to biological resources

There is substantial evidence that approval of the Site Development Permit may impact raptor species that nest in the trees on the Project site. California law prohibits the taking of any birds-of-prey or their nest or eggs.⁴⁰ It is also unlawful to take the nest or eggs of any bird.⁴¹ According to the PEIR, removal of the trees on the Project site may result in significant impacts to raptor species.⁴² Because the Site Development Permit proposes to relocate or replant trees on the Project site, approval of the Permit may result in significant impacts to bird and raptor species.

To mitigate this impact, the MND requires the Applicant to prepare a raptor study.⁴³ However, no raptor study has been prepared and submitted to the City. There is, therefore, no evidence indicating whether raptors nest in any of the trees on the Project site, and whether the nests of any birds would be impacted by tree relocation and/or replanting.

Because substantial evidence exists that raptors may nest on Project site and that trees may be relocated or replanted, the City must conduct an analysis to determine whether bird and raptor species will be impacted. This analysis must be contained in a CEQA document that is circulated for public review.

D. There is substantial evidence that approval of the Site Development Permit may result in significant impacts to traffic and transportation

The Applicant submitted a focused Traffic Study to the City along with Permit application materials. This Study contains substantial evidence that Permit approval may impact traffic conditions in the Project area. CEQA is designed to inform decision makers and the public about the potentially significant environmental effects of a project.⁴⁴ CEQA also directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation

⁴⁰ Fish & G. Code, § 3503.5.

⁴¹ Fish & G. Code, § 3503.

⁴² Draft PEIR, p. 3.8-7.

⁴³ MND, p. 19.

⁴⁴ CEQA Guidelines, § 15002, subd. (a)(1).

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measures.⁴⁵ The City must incorporate the findings of the Traffic Study into a CEQA document so that the public and decision makers will be informed of the Project's significant traffic impacts and that those impacts will be avoided or reduced to the maximum extent feasible.

The City has stated numerous times that the Project may introduce a "weaving concern" for traffic entrance into Great Mall Parkway.⁴⁶ The City has also stated that both commercial and residential access of Street "A"/McCandless' intersection must be restricted for service entrance vehicles only.⁴⁷ To address these and other traffic concerns, the City required the Applicant to prepare a focused Traffic Study.

The Traffic Study addresses these issues and recommends measures to reduce impacts. For example, the Traffic Study finds that the current northbound left turn lane configuration at the Great Mall Parkway/McCandless Drive intersection would experience maximum queue lengths exceeding the current vehicle holding capacity.⁴⁸ The authors of the Traffic Study recommend reconfiguring the northbound approach to two left turn lanes and one shared through-right turn lane, plus a modification of the current signal phasing to include northbound-southbound lead-lag left turns.⁴⁹ Because this recommendation has not been analyzed and incorporated into an environmental review document, there is only evidence that the Project may have significant impacts.

The Traffic Analysis must be incorporated into a CEQA document that is available for public review. Failure of the City to prepare an environmental document that includes the analysis, findings and recommendations of the Traffic Analysis is a failure to comply with the purposes of CEQA. The public and decision makers must be aware of the environmental effects of a proposed Project before it is approved.

⁴⁵ CEQA Guidelines § 15002(a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1354.

⁴⁶ June 6, 2011 Responses, p. 2; Engineering Division Comments, Feb. 16, 2011, p. 1 (on file with the City).

⁴⁷ June 6, 2011 Responses, p. 2; Engineering Division Comments, Feb. 16, 2011, p. 1.

⁴⁸ TJKM Transportation Consultants, Draft Report Traffic Operations Analysis for McCandless Development, July 25, 2011, p. 32.

⁴⁹ *Ibid.*

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E. There is substantial evidence that approval of the Site Development Permit may result in significant impacts to stormwater quality

The Applicant has failed to submit a Storm Water Control Package (“SWCP”) prior to Site Development Permit approval as required by the National Pollutant Discharge Elimination System (“NPDES”) General Construction Permit and the Project’s Conditions of Approval.⁵⁰ Because the Applicant has not submitted a SWCP there is no evidence that the Site Development Permit complies with the NPDES Permit or has incorporated best management practices to mitigate impacts to storm water quality. The City must require the Applicant to submit a SWCP and incorporate the findings and recommendations in a CEQA document.

The Draft PEIR finds that construction activities in the Project area would expose soils to the erosional forces of wind, rain and runoff.⁵¹ The SWCP is designed to minimize the discharge of pollutants, including silt and sediment, during construction.⁵² Specifically, it will include best management practices for construction of facilities.⁵³

Because the incorporation of best management practices may modify the site-design, it is essential that the SWCP be submitted prior to Site Development Permit approval. The SWCP must be incorporated into a CEQA document because it informs the public and decision makers about the Project’s potentially significant environmental effects.

F. There is substantial evidence that approval of the Site Development Permit may result in significant impacts during flood events

There is substantial evidence that Project development may expose residential structures to flooding, as well as place structures in areas that would impede or redirect flood flows. Under CEQA the City must analyze these potentially significant impacts.⁵⁴ Specifically, the City must analyze whether the

⁵⁰ See Draft PEIR, pp. 3.5-12, 3.10-7; Conditions of Approval, 49(a).

⁵¹ See Draft PEIR, p. 3.5-12.

⁵² See *ibid.*

⁵³ See *id.* at p. 3.10-7.

⁵⁴ CEQA Guidelines, Appendix G, subd. (VIII)(g)-(i).

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structures comply with the Federal Emergency Management Agency ("FEMA") requirements.

The City acknowledges that the Project is in Flood Zone AO.⁵⁵ Flood Zone AO is defined as an area of special flood hazard having shallow water depths and/or unpredictable flow paths between 1 and 3 feet.⁵⁶ FEMA requires new construction of residential and nonresidential structures to meet lowest floor elevation requirements.⁵⁷ While elevations of building plans have been provided with the Site Development Permit, there is no evidence to support a finding that these elevations will mitigate any impacts related to flooding.

Under CEQA, the City must prepare a document that analyzes these impacts and make it available for public review. The environmental review document must assess site-specific flood hazards and propose specific mitigation measures. Only with this information may the public and decision makers understand all of the Project's potentially significant impacts.

VI. THE CITY MUST ANALYZE THE IMPACTS OF THE WHOLE OF THE PROJECT IN A CEQA DOCUMENT

The City must analyze the impacts of developing Phases I and II in a single environmental document. Under CEQA, a project is defined broadly to encompass the whole of an action.⁵⁸ This includes, but is not limited to, "later phases of a project, and any secondary, support, or off-site features necessary for implementation."⁵⁹ Because the City is required to review "later phases of a project," it must incorporate an analysis of the environmental impacts of Phases I and II into one CEQA document. As discussed above, Project development may impact aesthetics, public health, biological resources, traffic, stormwater and hazards related to flooding.

⁵⁵ June 6, 2011 Responses, p. 1; Engineering Division Comments, Feb. 16, 2011, p. 1.

⁵⁶ 44 C.F.R. § 64.3 (2010).

⁵⁷ 44 C.F.R. § 60.3(c)(7)-(8) (2010).

⁵⁸ Pub. Resources Code, §§ 21065, 21080, subd. (a); CEQA Guidelines, §§ 15002, subd. (b), 15003, subd. (h), 15165, 15378, Appendix G, No. 8.

⁵⁹ CEQA Guidelines, Appendix G, No. 8.

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VII. THE CITY MUST PREPARE A WATER SUPPLY ASSESSMENT AND INCORPORATE IT INTO THE CEQA DOCUMENT

The City must incorporate a WSA into its CEQA document. According to the City's Conditions of Approval for the McCandless Mixed Use Project, the City Council must approve a WSA prior to any building permit issuance.⁶⁰ However, the City's failure to require preparation of a WSA at the Site Development Permit approval stage violates both the Water Code and CEQA. The City must prepare a WSA and incorporate it into a CEQA document.

The Water Code requires a city or county to include the WSA in any environmental document prepared for a project.⁶¹ In addition, CEQA requires compliance with Water Code provisions.⁶² It is essential for cities and counties to incorporate the findings of WSAs into their environmental review documents so that the purposes of the Water Code and CEQA can be realized. A WSA is intended "to assist local governments in deciding whether to approve the projects."⁶³ Similarly, one of the purposes of CEQA is to inform decision makers and the public about the potential, significant environmental effects of a proposed project.⁶⁴ Without compliance with the Water Code and CEQA, it is impossible for the City to determine that water supplies are sufficient to meet water demands and that all of the Project's environmental impacts have been evaluated and mitigated.

Because the City has not required preparation of a WSA, the Project's total potable and nonpotable water demand has not been specified. Thus, it is unclear whether additional facilities may need to be constructed to deliver water. It is, therefore, possible that the City has not reviewed the whole of the Project and its significant impacts on the environment.

The City must ensure that the Project complies with the Water Code and CEQA before it is approved. This includes providing a complete description of the Project's potable and nonpotable water demand, an identification of a public water system and a complete description and analysis of any new facilities that may be needed to deliver water.

⁶⁰ Conditions of Approval, Project Conditions, No. 7.

⁶¹ Wat. Code, § 10910, subd. (b).

⁶² Pub. Resources Code, § 21151.9.

⁶³ *O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 576.

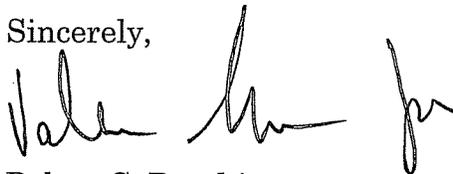
⁶⁴ CEQA Guidelines, § 15002, subd. (a)(1).

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VIII. CONCLUSION

For the reasons stated above, the City's proposed approval of the Site Development Permit fails to comply with CEQA and the Water Code. We respectfully request that the City postpone action on the Permit until it has prepared the appropriate environmental review documents. We appreciate the City's consideration of our views.

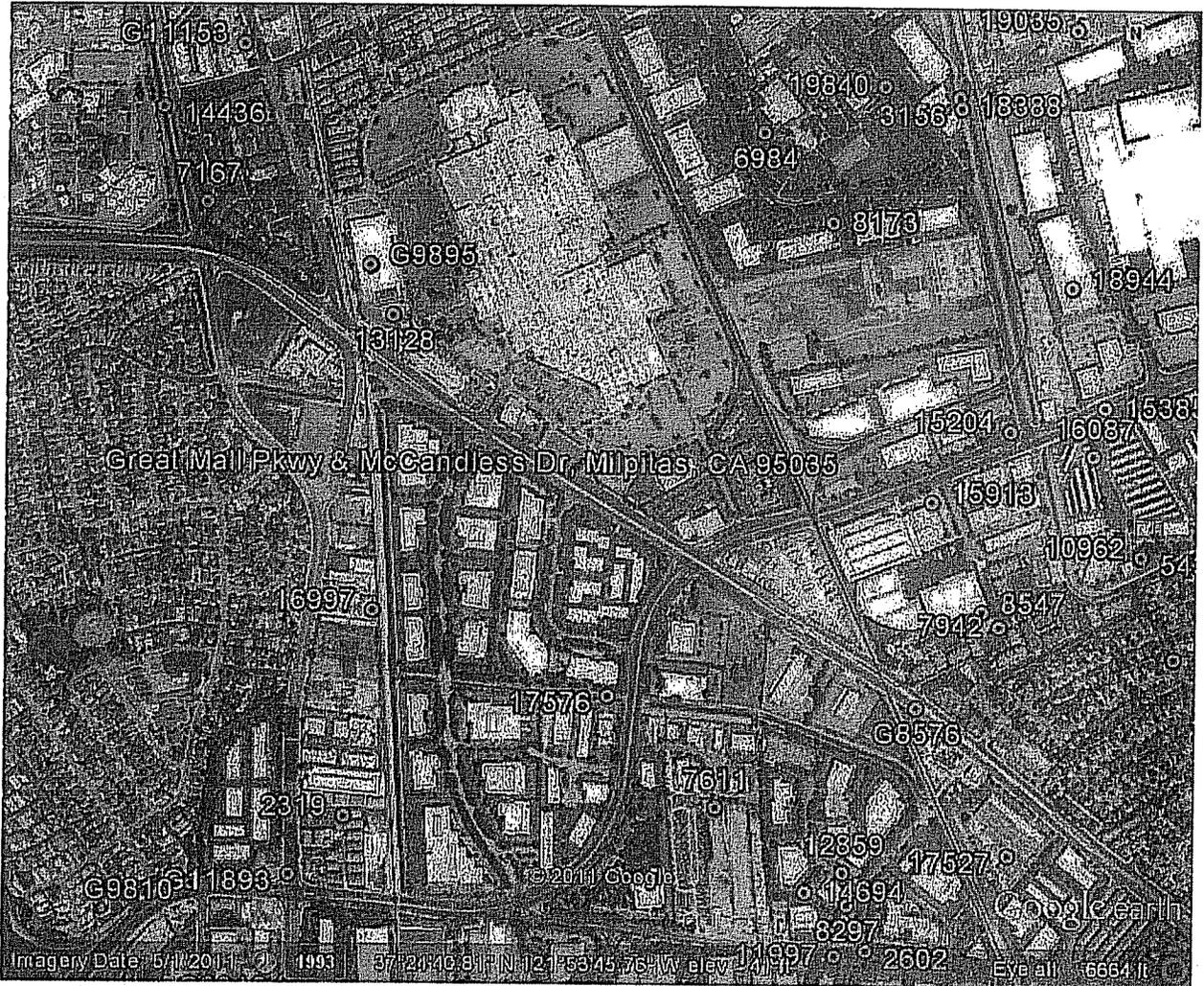
Sincerely,

A handwritten signature in black ink, appearing to read "Robyn C. Purchia". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Robyn C. Purchia

RCP:vs
Attachment
cc: Sheldon Ah Sing, via mail

BAAQMD Permitted Stationary Sources Near the Project Site



Source: Google Earth BAAQMD Stationary Source Screening Tool (Oct. 6, 2011)

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



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

ATTACHMENT H

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



Document No.: 16300
Number of Pages: 2
Filed and Posted On: 9/02/2010
Through: 10/02/2010
CRO Order Number: 343204
Fee Total: 2,060.25

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- 1. LEAD AGENCY: City of Milpitas
- 2. PROJECT TITLE: McCandless Mixed Use Project
- 3. APPLICANT NAME: Integral Communities, LLC PHONE: 925-984-7137
- 4. APPLICANT ADDRESS: 190 N. Wiget Lane, Suite 101 Walnut Creek, CA 94598
- 5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
- 6. NOTICE TO BE POSTED FOR: 30 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) \$ 2,792.25 \$ 0.00
- 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) \$ 2,010.25 \$ 2,010.25
- 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) \$ 850.00 \$ 0.00
- 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS \$ 949.50 \$ 0.00
- 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) \$ 50.00 \$ 50.00
Fish & Game Code §711.4(e)

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) \$ 50.00 \$ 0.00
 - 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)
- DOCUMENT TYPE: ENVIRONMENTAL IMPACT REPORT NEGATIVE DECLARATION \$ 50.00 \$ 0.00

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

- NOTICE OF PREPARATION NOTICE OF INTENT NO FEE \$ NO FEE

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 2,060.25

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

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

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

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

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

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

Notice of Determination*Appendix D*

TO: ___ Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

FROM: City of Milpitas
 455 E. Calaveras Boulevard
 Milpitas, CA 95035
 Contact:
 Phone:

County of Santa Clara
 Clerk-Recorder's Office
 70 W. Hedding Street, 1st Floor, East Wing
 San Jose, CA 95110

File#: 16300 9/02/2010

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: **McCandless Mixed Use Project**

Project Location (include county) **1315 McCandless Drive, Milpitas, Santa Clara County, CA**

Project Description: **A request to enter into an Owners Participation Agreement between the Developer and the Milpitas Redevelopment Agency to develop a 23 acre site with three mixed use buildings and five residential buildings, including improvements to the existing adjacent roads, the construction of a new local street, and the dedication of an urban plaza and public trail along Penitencia Creek. The project includes a tentative map for the eventual development of 1,328 dwellings and 92,000 square feet of commercial.**

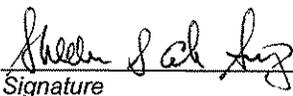
This is to advise that the City of Milpitas (Lead Agency or ___ Responsible Agency) has approved the above-described project on **August 17, 2010**
 (Date)

and has made the following determinations regarding the above described project:

1. The project [___ will / will not] have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA / A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were / ___ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was / ___ was not] adopted for this project.
5. A statement of Overriding Considerations [___ / was was not] adopted for this project.
6. Findings [were / ___ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

City of Milpitas, Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035


 Signature

30A0610
 Date

Senior Planner
 Title

CEQA ADDENDUM

Mitigated Negative Declaration No. EA08-0005 for McCandless Mixed Use Project

May 26, 2010

City of Milpitas
Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95008

Staff contact: Sheldon S. Ah Sing, Senior Planner, (408) 586.3278

SUMMARY OF THIS DOCUMENT

This addendum assesses the environmental impact(s) of changing the scope of the development in association with the project located at 1315 McCandless Dr. (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City of Milpitas, as the lead agency under CEQA, will consider the potential environmental impacts of changing the scope of the project listed above when it considers the project in its entirety. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA Guidelines. The Addendum does not recommend approval or denial of the proposed refinements to the Project. The fundamental conclusion of this addendum is that the proposed changes to the Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the Mitigated Negative Declaration EA08-0005. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an (EIR) if there are any new significant environmental effects associated with the refined project. With respect to the Project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, this addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164.

BACKGROUND

Mitigated Negative Declaration No. EA08-0005 was drafted to analyze the potential environmental impacts of future development resulting from an additional 25% of density than the maximum allowed for the site. In accordance with the Transit Area Specific Plan, the site

may obtain a 25% density bonus beyond the 50 dwelling units per gross acre maximum if additional environmental review is undertaken in conjunction with the approval of a Conditional Use Permit. The Negative Declaration analyzed the impacts on transportation, public services, land use and other pertinent areas.

The project analyzed in the Negative Declaration proposed 1,573 dwelling units. For the project to reach that density amount, the project needed to receive a transfer in density from an adjacent park site to the south (zoned residential), the transit density bonus (25%) and the affordable housing density bonus (10%). In addition, the Negative Declaration originally indicated that the project was proposing approximately 75,000 square feet of commercial.

UPDATED PROJECT DESCRIPTION

In recent months the project scope has changed. The project would have benefited from the transfer of density from an adjacent park site. The City's Redevelopment Agency was to purchase the 4.81 acre site and with the terms of the proposed Development Agreement, the development rights (density) would have been transferred to the project site. The Agency is not purchasing the site and thus the density will not be transferred. The maximum will remain at 1,573 in the event that the density can be transferred; however, without the density transfer the project would have a maximum of 1,362 dwelling units.

In addition, the project is proposing 92,757 square feet of commercial.

PROJECT IMPACTS

The additional commercial space is within the maximum range of what was expected to be developed on the site when the original EIR was analyzed and certified for the Transit Area Specific Plan. It is not expected that any environmental impacts would occur beyond what was already identified in the EIR.

PLANNING AND DEVELOPMENT DEPARTMENT FINDINGS

It is the finding of the Planning Division that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required for the issue areas discussed above. Discretionary processing of the Integral Mixed Use Project may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

McCandless Mixed Use Project

Application No.
SZ07-0004
MT08-0002

Initial Study

City of Milpitas

November 2008

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APPENDICES

APPENDIX	A	Noise and Vibration Study	
APPENDIX	B	Tree Survey	

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by lead agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all the potentially significant effects (1) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable legal standards, and (2) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

SECTION 1 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of Milpitas. This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the development of 1,573 residential units and 92,757 square feet of retail in nine freestanding buildings ranging from four to six stories in height, and identifies mitigation measures included in the project.

A Program Environmental Impact Report (EIR) was adopted on June of 2008 for the Transit Area Specific Plan (TASP) in which this project is located. The document is intended to “tier off” of that EIR, meaning that many of the potential impacts of this project have already been analyzed under the previous EIR. The project is being reviewed in concept only. Details of the design and architecture will be reviewed at a later date.

The City of Milpitas is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

SECTION 2 PROJECT INFORMATION

2.1 PROJECT TITLE

McCandless Mixed Use Project

2.2 PROJECT LOCATION

The proposed project is located at 1315-1595 and 1320-1590 McCandless Drive (APNs 086-33-092, 093, 094, 095, 098, 099, and 101) at the intersection of McCandless Drive and Great Mall Parkway, directly East of Penitencia Creek.

2.3 PROPERTY OWNER/PROPONENT

Mission West Properties, L.P. 11
10050 Bandley Drive
Cupertino, CA 95014

Integral Communities McCandless LLC
160 Newport Center Drive, Suite 240
Newport Beach, CA 92625

2.4 LEAD AGENCY CONTACT

City of Milpitas
Sheldon S. Ah Sing, Senior Planner
City of Milpitas Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95035

2.5 ASSESSOR’S PARCEL NUMBERS

086-33-092
086-33-093
086-33-094

086-33-095
086-33-098
086-33-099
086-33-101

2.6 ZONING DISTRICT, GENERAL PLAN AND SPECIFIC PLAN DESIGNATIONS

Zoning District: *Residential – Retail High Density Mixed Use*
 High Density Transit Oriented Residential

General Plan Designation: *Residential – Retail High Density Mixed Use*
 High Density Transit Oriented Residential

Specific Plan Designation: *Transit Area--Retail High Density Mixed Use*
 High Density Transit Oriented Residential

Figure 2.1-1: Regional Map

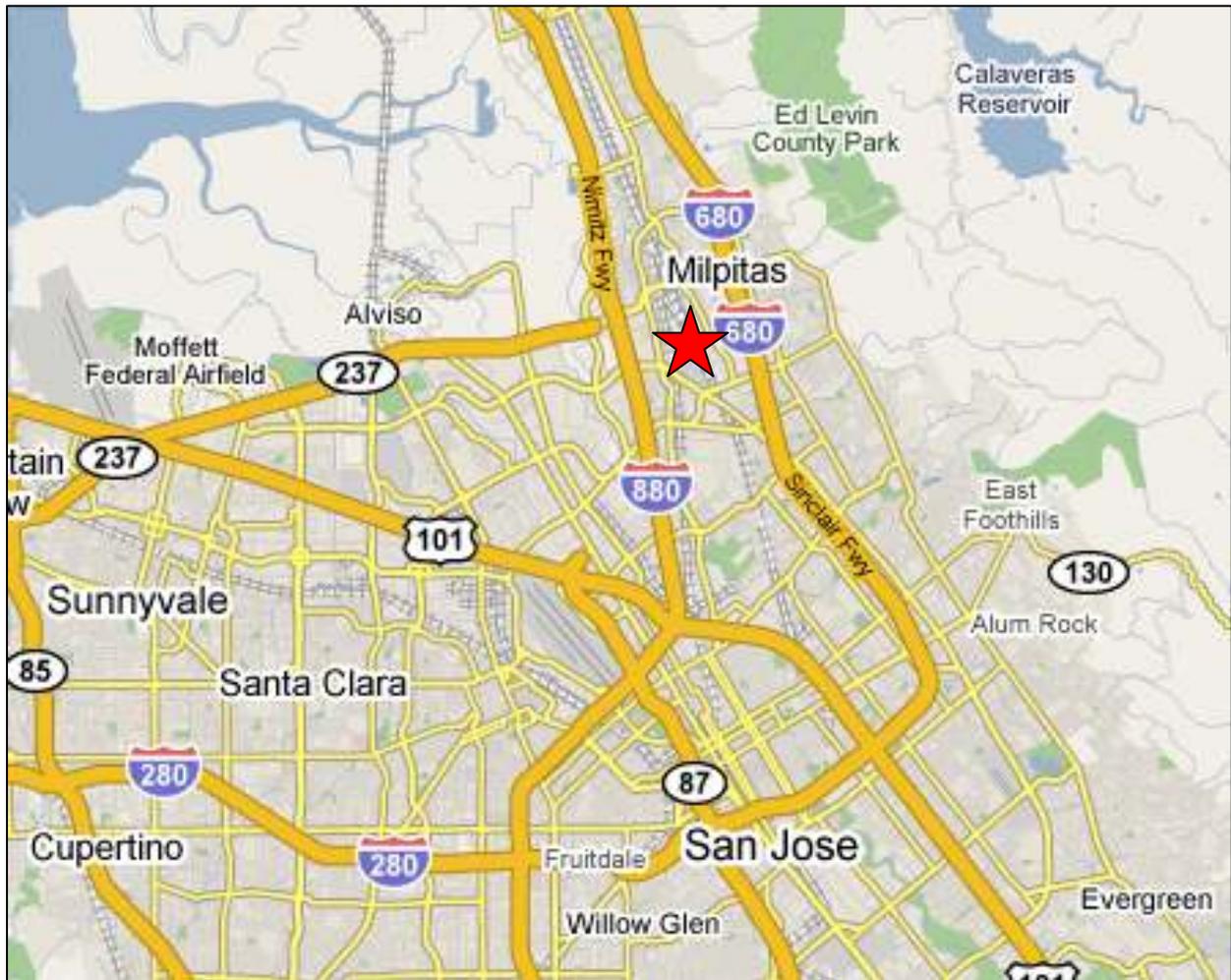


Figure 2.1-3: Aerial



SECTION 3 PROJECT DESCRIPTION

ENTITLEMENT

The application includes a Tentative Subdivision Map, dedication of an urban plaza and public trail, existing street section improvements and a new local street. The project also requires a Conditional Use Permit in accordance with the Specific Plan because the project contemplates a 25% transit oriented density bonus over the maximum density that is allowed under the Plan. When a project utilizes the density bonus, additional environmental review is required, thus the focus of this environmental document. No Site Development Permit review for architecture is a part of this application. It is anticipated that review will occur subsequently and independently of this effort. A Developer Agreement is also being drafted; however, it only impacts financial aspects of the project.

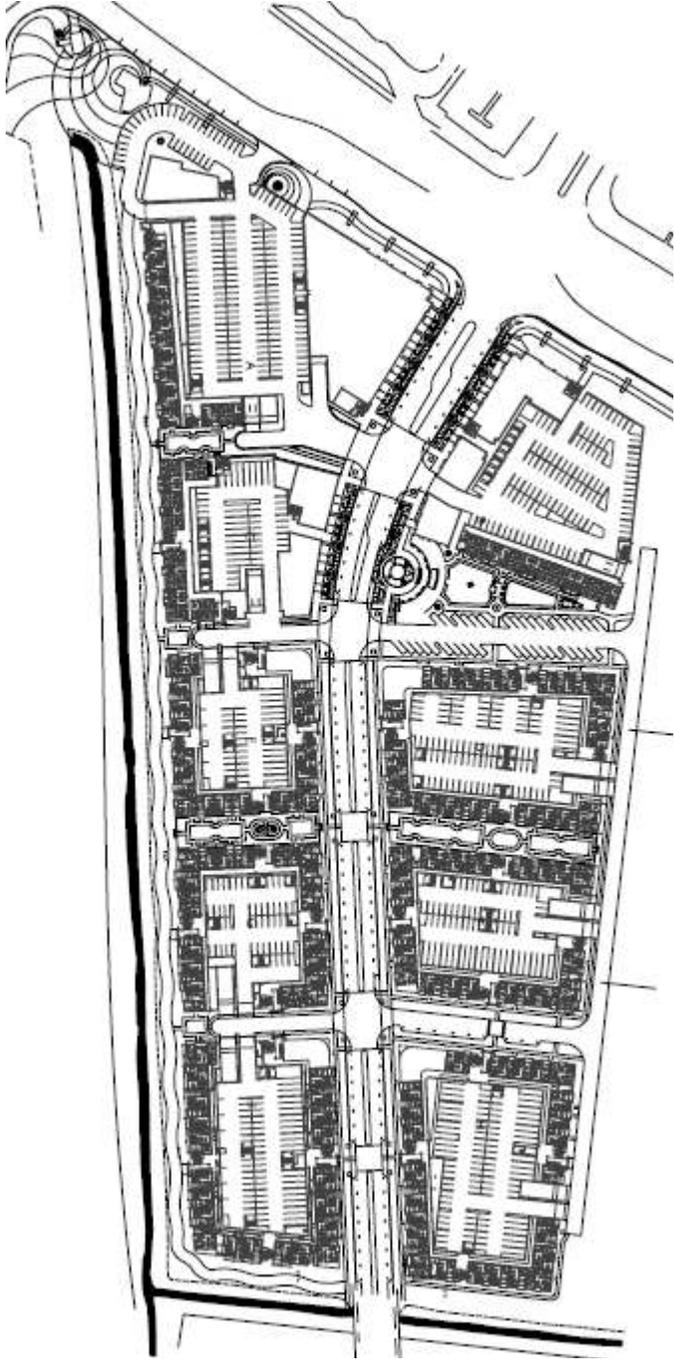
SITE DEVELOPMENT

A site plan of the proposed project is shown on Figure 3.1-1. The proposal includes up to 1,573 residential units in multiple buildings, including up to 75,838 square feet of commercial/office space. Because no architectural review is a part of this application, no specific building mass and elevations are depicted or evaluated.

Site Access

The site lies at the intersection of Great Mall Parkway and McCandless Drive. McCandless Drive bisects the site and terminates at the Penetencia Creek Channel. Smaller, collector streets also intersect the project site. Access to the project would be taken mainly off of McCandless Drive, with secondary access from the collector streets.

Figure3.1-1: Site Plan



SECTION 4 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. Measures that are standard and required by the City or law are categorized as "Standard Measures." Measures that are required to reduce significant impacts to a less than significant level are categorized as "Mitigation Measures."

4.1 AESTHETICS

Setting

As shown on the aerial photograph, the project site is currently developed with eight buildings. The existing buildings are low-rise office/industrial buildings built in 1997. The site is within a fully developed area in Milpitas. The topography is flat and views of the eastern foothills are partially blocked by existing office structures in the area. Visually, the surrounding area is predominantly low density office uses. North of the site is the Great Mall which is a regional shopping mall. To the south and east lies more industrial area with similar low-rise buildings, also located in the Transit Area Plan. Immediately adjacent to the site, to the west, are the Union Pacific Railroad tracks, and beyond that lies small scale commercial and residential uses.

The project site is not located near a scenic highway or scenic vista.

Environmental Checklist and Discussion of Impacts

AESTHETICS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The proposed project would demolish the existing buildings, grade and prepare the 24-acre site for three mixed use buildings and five residential buildings. The mass, elevations and height are not being analyzed with this project, although it is expected that the project would be around six stories high.

Landscaping trees are proposed on the perimeter and some locations within landscape medians on the site where they do not conflict with the proposed stormwater treatment.

Four hundred and fifty-five trees are located on the site. Of these trees, 254 are protected under the City's Tree Ordinance. Some of them are mature and established, and line McCandless Drive. Approximately 194 of the trees on site are proposed to be removed with this project. The health and structure of the trees is identified in Appendix B, the project Tree Survey. *The tree survey was conducted prior to the submittal of the project. Since that time, city staff has worked with the applicant to reduce the amount of proposed removed trees.* The removal of these trees could substantially degrade the existing visual character or quality of the site and its surroundings (**Significant Impact**).

The project includes buildings that will be a mixture of commercial and residential uses and buildings that are solely residential. The mixed use buildings (A-C) are located near the intersection of Great Mall Parkway and McCandless Drive. These uses will generate light during normal business hours as well as nighttime hours for the residences. This is an increase of light from the existing industrial uses; however, the ambient lighting from the window of a residence will not adversely affect nighttime views in the area. The materials of the new buildings have the potential to cause a new source of glare. The design review process will ensure that there is no adverse affect to daytime views in the area.

Mitigation Measures

AES-1: The City of Milpitas has a Tree Ordinance that identifies a tree replacement program for the removal of trees. All City ordinances will be enforced on the project. The applicant will either replace the trees with like and kind trees or pay an in-lieu fee to the City of the value of the removed trees. An Arborist Report on the species, health and structure of the trees shall be submitted with the Site Development Permit application.

Conclusion

While the proposed buildings are expected to be substantially taller than the existing buildings, the Transit Area Specific Plan established new height limits for the area. It is anticipated that when the area redevelops, buildings will vary in height up to twelve stories and in some cases 20 stories with the approval of a Conditional Use Permit.

The removal of trees will be mitigated pursuant to Mitigation Measure AES-1.

The materials proposed for the building will be reviewed during subsequent design review to ensure no adverse affects.

The proposed project would not result in significant, adverse visual or aesthetic impacts.
[Less Than Significant Impact with Mitigation Incorporated]

4.2 AGRICULTURAL RESOURCES

Setting

According to the Santa Clara County Important Farmland 2006 Map, the project site is designated *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. Currently, the project site is not used for agricultural purposes.

Environmental Checklist and Discussion of Impacts

AGRICULTURAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The project site is not currently used for agricultural purposes and is not designated as farmland of any type.

Conclusion

The proposed project would not result in impacts to agricultural resources. **[No Impact]**

4.3 AIR QUALITY

Setting

Local and Regional Air Quality

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NO_x) sulfur dioxide, and particulate matter.

Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no close receptors in close proximity to the project site.

Environmental Checklist and Discussion of Impacts

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,13
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

TASP EIR

The BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting. Under the TASP EIR, 7,000 housing units were anticipated to be built. Based on the density calculations for this site, 1,573 units can be built. Under the TASP EIR, vehicle trips for this type of project were anticipated at eight trips per day. While this would generate a total of 12,584 vehicle trips, the site would be credited the vehicle trips generated by the industrial uses. The TASP EIR already analyzed this potential impact. This project is within the scope of the EIR for the TASP.

Long-Term Air Quality Impacts

BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. According to the BAAQMD CEQA guidelines, a project that generates more than 80 pounds per day of ozone precursors (i.e., reactive organic gases (ROG) and nitrogen oxides) is considered to have a potentially significant impact on regional air quality. On an annual basis, the threshold is 15 tons per year.

For a project that does not individually have significant operational air quality impacts, the determination of a significant cumulative air quality impact is based upon an evaluation of the consistency of the project with the local general plan and of the general plan with the most current Clean Air Plan (CAP).

Short-Term Air Quality Impacts

Construction-related air quality impacts associated from the proposed project would be the result of dust creating activities and exhaust emissions of construction equipment. Due to

the negligible amount and short duration of these impacts, all are considered to be less than significant, except for the activities generating dust.

Construction activities such as demolition, excavation and grading operations and construction vehicles driving over and wind blowing over exposed earth, generate fugitive particulate matter that will affect local and regional air quality. The effects of these dust generating activities will be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust also has the potential for creating a nuisance at nearby properties. If uncontrolled, dust generated by construction activities could be a significant impact.

Impacts Identified under the Transit Area Specific Plan EIR

1. New development under the proposed Plan could increase population and vehicle miles traveled in the area at a rate greater than that assumed in regional air quality planning and therefore conflict with the implementation of the Bay Area Ozone Strategy. **(Significant and Unavoidable)**

The City Council adopted a Statement of Overriding Considerations related to Air Quality Impact 1.

Mitigation Measures:

AIR-1: The proposed project includes the following mitigation measures to reduce project construction impacts to a less than significant level.

- BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices shall be implemented during construction of the proposed project:
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two 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 site.
 - 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.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - Install sandbags or other effective erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

Conclusion

While the development under the entire Transit Area Specific Plan Plan could increase population and vehicle miles traveled in the area at a rate greater than that assumed in regional air quality planning and therefore conflict with the implementation of the Bay Area Ozone Strategy, the proposed project would not result in significant long-term regional or local air quality impacts. Short-term air quality impacts associated with construction would be reduced to less than significant levels with the implementation of standard construction measures and mitigation measures. **[Less Than Significant Impact with Mitigation]**

4.4 BIOLOGICAL RESOURCES

Existing Habitat

The site contains 455 trees. These trees range in age, health, size and species. A tree report was prepared when the project was initially submitted to the City and is included in this study as Appendix B. *The tree survey was conducted prior to the submittal of the project. Since that time, city staff has worked with the applicant to reduce the amount of proposed removed trees.*

Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

BIOLOGICAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Impacts to Mature Trees

Four hundred and fifty-five trees are located on the site. Approximately 194 trees are proposed to be removed with this project. Of those to be removed, 30 are on an adjacent property; however, it is necessary to remove those trees for the development of a roadway that is consistent with the Transit Area Specific Plan. Some of these trees are mature and established, and line McCandless Drive. The health and structure of the trees is identified in Appendix B, the project Tree Survey. *The tree survey was conducted prior to the submittal of the project. Since that time, city staff has worked with the applicant to reduce the amount of proposed removed trees.* The removal of these trees could affect wildlife habitat. **(Significant Impact).**

Mitigation Measures

BIO-1: The City of Milpitas has a Tree Ordinance that identifies a tree replacement program for the removal of trees. All City ordinances will be enforced on the project. The applicant will either replace the trees with like and kind trees or pay an in-lieu fee to the City of the value of the removed trees.

BIO-2: As a Condition of Approval, the project applicants will be required to conduct a raptor study to determine the nesting period of any birds making habitat within the trees

proposed for removal. The removal of the trees will not be permitted within the nesting period of the birds.

BIO-3: As a Condition of approval, the project applicants will be required to supply an Arborist Report identifying the species, health and structure of each tree proposed for removal.

4.4.2 Conclusion

The removal of trees will be mitigated pursuant to Mitigation Measure BIO-1 and BIO-3. The protection of wildlife species making habitat within the trees will be mitigated pursuant to Mitigation Measure BIO-2

The proposed project would not result in significant, adverse visual or aesthetic impacts.
[Less Than Significant Impact with Mitigation Incorporated]

4.5 CULTURAL RESOURCES

Setting

Prehistoric Context

The Milpitas area was likely settled by Native Americans between 12,000 and 6,000 years ago. Penutian-speaking peoples migrated into central California around 4,500 years ago and were firmly settled around San Francisco Bay by 1,500 years ago. The descendants of the native groups who lived between the Carquinez Strait and the Monterey area prefer to be called Ohlone, although they are often referred to by the name of their linguistic group, Costanoan.

Milpitas is within the ethnographic territory of the Alson tribe of Ohlone, who occupied the area near the mouth of the Coyote Creek. One factor which likely increased traffic through the Milpitas area was the presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory, which increased traffic through the early Milpitas area. The cinnabar (used as body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it.

Trade for other items—such as wooden bows, salt, and pine nuts—also brought many visitors to the Tamyen territories. Wooden bows and salt from the bay were traded to the Plains Miwok. The words “salt” and “bow” were also taken from the Costanoan. Two notable Costanoan village sites lay within the city limits of Milpitas. One, a huge shell mound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation. Neither of these sites is within the Transit Area Specific Plan boundary.

Historic Context

During the Spanish expeditions of the late 1700s, several missions were founded in the San Francisco Bay Area. After the Mexican government took over the vast missions lands and distributed them among the Californios (Mexican pioneers living in California), the brief but lively “rancho” period began. The land in modern-day Milpitas was divided between the 6,352.9-acre Rancho Rincon de los Esteros, the 4,457.66-acre Rancho Milpitas and the 4,394-acre Rancho Tularcitos.

In the 1850s, large numbers of Americans from the East, Canadians, Irish, Chileans, British, Germans and more arrived to farm the fertile lands of Milpitas. They brought with them their own agricultural traditions, adopting them to the local soils and climate. They continued to raise cattle and horses, but they also conducted dairy operations and planted new crops, such as potatoes. In 1850, they introduced a new means of irrigation, artesian wells, which made possible the cultivation of new vegetable crops and berries. The early settlers farmed the land and set up many businesses on a section of what was then called Mission Road, which by the late 20th century became known as the “Midtown” district. The Midtown area, the oldest part of Milpitas, has few remaining historic residences and was the only commercial district that existed before 1945. Midtown is situated along Main and Abel Streets and is bordered by Montague Expressway in the south and Weller Street in the north.

Milpitas was named after Alviso's rancho by Joseph Weller when the first U.S. Post Office was opened on Main Street. However many locals had taken to calling the collection of buildings at the crossroads along Penitencia Creek “Penitencia,” after the small Catholic

building next to the creek that was used by the Spanish Padres to hear confession by the nearby natives. The word Milpitas is from the word "Milpa" which is derived from a Mexican Indian word for "place where maize grows."

In the early 1900s, Milpitas served as a popular rest stop for travelers on the old Oakland-San Jose Highway. At the intersection of that road with the Milpitas-Alviso Road, Smith's Corners, patrons for a century before becoming a restaurant in 2001; it still stands. In the 1920s, one of America's earliest "fast food" chain restaurants, "The Fat Boy," opened nearby but was demolished in 1985.

When the Ford Motor Assembly Plant came to the southern edge of town, San José indicated interest in making it part of that city. The local inhabitants fought back. The City of Milpitas was the result of a defensive incorporation on January 26, 1954. Later, in 1960, San José attempted to incorporate the city again, but was met with a very lopsided defeat in the election.

The Minute Man was added to the city's seal and flag following this campaign. Ironically, Ford Corporation called the facility the San Jose Ford Motor Assembly Plant. The automobile manufacturing era in Milpitas lasted little more than a quarter century. After the plant closed it remained largely unused for nearly fifteen years. Today, it is the Great Mall of the Bay Area.

The primary impact that could occur would be disturbance of cultural resources during grading and/or development of property, subsequent to adoption of the Specific Plan. Based on the NWIC's evaluation of the environmental setting and features associated with known sites, there is a reasonable possibility of uncovering and identifying additional archaeological deposits in the Planning Area. Existing national, state and local laws as well as policies contained in the General Plan, Midtown Plan, and this Specific Plan would reduce these potential impacts on historic and archaeological resources to less than significant levels. Paleontological resources have been documented to occur in Milpitas in the vicinity of the Planning Area. There is the potential to encounter unidentified fossils during construction of new development in the Transit Area, as Pleistocene alluvium is considered sensitive for vertebrate fossils, which are considered a significant paleontological resource. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant.

The property is located in an area of moderate to low archaeological sensitivity. The prehistoric and historic records search revealed that no prehistoric or historic era sites have been recorded in or adjacent to the project parcel.

There is no evidence of recorded historic and/or prehistoric archaeological resources inside or immediately adjacent to the project area.

Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES				
Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)

Would the project:					
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3

Buried Prehistoric and Historic Resources

Based on relevant archaeological reports for the immediate area, the proposed project should have no effect on archaeological resources. The proposed project does include disturbance of native soils for trenching, site grading and other construction activities. Although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be applied to the project as described below.

Mitigation Measure: The proposed project shall implement the following standard measure:

CUL-1: As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Conclusion

The proposed project, with the implementation of the above mitigation measure, would not result in significant impacts to cultural resources. **[Less Than Significant Impact with Mitigation]**

4.6 GEOLOGY AND SOILS

Setting

On-Site Geologic Conditions

The Planning Area is located approximately eight miles from the shoreline of San Francisco Bay. The Project Area slopes gently (less than 2 percent) west towards Lower Penitencia Creek, which runs south to north along the western boundary of the Project Area. Sediments underlying the Project Area are Quarternary alluvial soils that consist of interlayered, poorly sorted gravel, sand, silt, and clay. The composition and consistency of alluvial soils varies laterally and vertically over small distances and depths. The thickness of the alluvial soils ranges from 1,000 feet at the western edge of the city, along the bay margin, to zero at the base of the foothills of the Diablo Range to the east (City of Milpitas, 2002). Sediments underlying the Project Area consist of fine- to coarse-grained alluvial deposits, and groundwater is located less than 20 feet below the ground surface (ESA, 2005).

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

Several active faults have the potential to cause widespread damage to the City of Milpitas. The California State Mining and Geology Board classifies active faults as faults that have had surface displacement within Holocene time (within the last 11,000 years). The primary active faults in the region are the Hayward and San Andreas faults. The Hayward Fault trends northwest approximately 2 miles east of the planning area; the San Andreas Fault trends northwest through the Santa Cruz Mountains approximately 13 miles to the west. The Hayward Fault was identified by the USGS Working Group on California Earthquake Probabilities as the most likely (27 percent chance) to experience a 6.7 or higher magnitude earthquake by 2032. Also of particular importance to the City of Milpitas is the Calaveras Fault, which trends northwest through Calaveras Reservoir approximately 4 miles east of the project site.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. The project site is located within a State of California Seismic Hazard Zone for liquefaction.¹

Lateral Spreading

¹ <http://www.abag.ca.gov/bayarea/eqmaps/liquefac/liquefac.html> April 23, 2008

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. The site is directly adjacent to the Penetencia Creek channel.

Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,10
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,10
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,10
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,10
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,10

GEOLOGY AND SOILS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9,10

The project site is located in a mapped liquefaction hazard zone, and soils on the site have a moderate potential for expansion. The project site is not located within a fault rupture zone or landslide hazard zone.

The project site is located in a seismically active region. Geologic conditions on the site will require that the new buildings be designed and constructed in accordance with standard engineering techniques and Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking and liquefaction on the site.

The proposed development will be designed and constructed in accordance with a design-level geotechnical investigation prepared for the site, which will identify the specific design features that will be required for the project, including site preparation, recompaction and lime treatment of subgrade solid, fill replacement and compaction, trench excavations, surface drainage, flexible pavements, slabs-on-grade and curbs, landscape retaining walls, and foundations. With implementation of recommendations in the design level geotechnical report, the project will not expose people or property to significant impacts associated with geologic or seismic conditions on site.

Conclusion

The proposed project would not result in significant, adverse geology, soils, or seismicity impacts that cannot be avoided through standard engineering and construction techniques. **[Less Than Significant Impact]**

4.7 HAZARDS AND HAZARDOUS MATERIALS

Setting

Background Information

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples of hazardous materials include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above certain thresholds can result in adverse health effects on humans, as well as harm to plants and wildlife.

Site Conditions

The 15.5-acre site is currently developed with eight low-rise industrial buildings. The project site is located in a developed, office area. Surrounding land uses include office, industrial and commercial operations such as the Great Mall located to the north and office buildings to the south and east.

Potential On-Site Sources of Contamination

The site is presently used as a business park. As such, the site may have the potential for exposure to sources of contamination.

Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

HAZARDS AND HAZARDOUS MATERIALS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

On-Site Sources of Contamination

The applicant shall ensure prior to demolition that adequate measures are taken to protect the health and safety of workers in accordance with Policies 5.20-5.22 of the Transit Area Specific Plan.

Other Hazards

The project site is not within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on a City designated evacuation route. The site is located near areas subject to wildfires, however the site is not located in a fire threatened community.²

Mitigation Measures

HAZ-1: As a Condition of Approval, should it be found that hazardous material users are located in the near vicinity, the applicant shall prepare a risk assessment to determine the potential risk of project inhabitants should there be a hazardous materials leak. Should the risk assessment identify a substantial risk, the project shall be designed to protect the inhabitants from exposure.

Conclusion

The proposed project will not result in hazardous materials impacts to workers and future users of the site. **(Less Than Significant Impact with Mitigation Measures Incorporated)**

² Association of Bay Area Governments. (ABAG). Wildfire Hazard Maps and Information. November 2004. 8 May 2008. <http://www.abag.ca.gov/bayarea/eqmaps/wildfire/>.

4.8 HYDROLOGY AND WATER QUALITY

Setting

Hydrology and Flooding

According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within Zone AO (depth 1). Zone AO is defined as the areas of 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1.0 and 3.0 feet. Average whole-foot depths derived from the detailed hydraulic analyses are shown within this zone on the FIRM.

Storm Drainage

The City of Milpitas owns and maintains the municipal storm drainage system in the vicinity of the project.

Water Quality

The proposed project is required to comply with Provision C.3 of the City’s NPDES permit and the City’s local polices and ordinances regarding urban runoff and water quality. The C.3 requirements seek to reduce water pollution by both reducing the volume of stormwater runoff and the amount of pollutants that are contained within the runoff. The methods used to achieve these objectives vary from site to site, but can include measures such as a reduction in impervious surfaces, onsite detention facilities, biofiltration swales, settlement/debris basins, etc.

Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

HYDROLOGY AND WATER QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10

HYDROLOGY AND WATER QUALITY					Information Source(s)
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
Would the project: 10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Drainage and Flooding

The proposed project would conform to the City flood hazard management ordinance, therefore, implementation of the project would not result in people or structures being exposed to any significant flood risk.

Impervious surfaces on the proposed project would be approximately the same as the amount of impervious surfaces that exist on the site. New landscaping and vegetated bioswales would be installed on site as part of the project, and would help to detain stormwater runoff and infiltrate excess water into the soil. This would ensure that stormwater runoff from the project site would not exceed the capacity of the existing storm drainage system, or contribute significantly to downstream flooding.

Water Quality

The project includes stormwater quality best management practices such as directing site runoff into vegetated swales in conformance with requirements in the City of Milpitas's Municipal NPDES Permit. The coverage of impervious surfaces would be more than the current condition. Vegetated swales may be located in or adjacent to trees and shrubs, but must include only vegetation consistent with their function.

Construction activities on site would temporarily generate dust, sediment, litter, oil, paint, and other pollutants that could contaminate runoff from the site.

[Significant Impact]

Mitigation Measures:

The following mitigation measures are included in the project to reduce water quality impacts during construction and post-construction periods to a less than significant level:

HYDRO-1.1: Prior to construction of the project, the City shall require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage

system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices,
- Sediment control practices,
- Sediment tracking control practices,
- Wind erosion control practices, and
- Non-storm water management and waste management and disposal control practices.

HYDRO-1.2: Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

HYDRO-1.3: The development shall comply with City of Milpitas ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.

HYDRO-1.4: The proposed development shall comply with the NPDES permit issued to the City of Milpitas.

Conclusion

The proposed project would not result in substantial adverse flooding or drainage impacts. **[Less Than Significant Impact]**

With implementation of the mitigation measures included in the project, possible impacts to water quality would be reduced to a less than significant level. **[Less Than Significant Impact with Mitigation]**

4.9 LAND USE

Setting

The site is approximately 23 acres with eight business park buildings and ancillary parking lots. The site is bisected by McCandless Drive and bounded to the north by Great Mall Parkway and bounded to the south by Penetencia Creek.

Existing Land Use Classifications

General Plan Land Use Designation

14.08 acres: Residential – Retail High Density Mixed Use
 8.96 acres: High Density Transit Oriented Residential

Zoning Designation

14.08 acres: Residential – Retail High Density Mixed Use
 8.96 acres: High Density Transit Oriented Residential

Specific Plan Designation

14.08 acres: Transit Area--Retail High Density Mixed Use
 8.96 acres: High Density Transit Oriented Residential

Surrounding Land Uses

The existing uses on the surrounding properties are a combination of residential to the west, industrial to the south and east and commercial/retail to the north.

Environmental Checklist and Discussion of Impacts

LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3

LAND USE					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

Proposed General Plan and Zoning

The project contemplates no change to the land use designations to the property.

Land Use Compatibility

The project would conform to the adopted plans, however, existing industrial uses will remain until such time that redevelopment occurs to make those properties consistent with the adopted plans.

The Transit Area Specific Plan EIR cleared 7,000 dwelling units under a Reasonable Worst Case Scenario approach to estimate the amount of residential and commercial development.

Impacts From the Project

The purpose of this environmental document is to evaluate any potential environmental impacts from the requesting a transit oriented density bonus of 25% on the maximum density allowed for the site. Only the 14.08 acres designated Residential – Retail High Density Mixed Use may use the transit oriented density bonus.

Residential

The following demonstrates the proposed density calculation for the site:

$$14.08 \text{ acres} \times 50 \text{ du/ac} \times 1.25 \text{ (TO bonus)} = 880 \text{ dwelling units}$$

$$8.96 \text{ acres} \times 40 \times 1 = 358 \text{ dwelling units}$$

The project also contemplates negotiating the purchase of adjacent 4.81 acres to the south of Penetencia creek zoned High Density Transit Oriented Residential, but designated Open Space in the Transit Area Specific Plan. For the purposes of calculating density, if the applicant has possession of the 4.81 acres, the applicant may use the density allocated for the subject site. The following demonstrates the proposed density calculation for the four acre site:

$$4.81 \text{ acres} \times 40 \times 1 = 192 \text{ dwelling units}$$

The applicant also proposes to include a State Density bonus for moderate affordability, equating to a 10% bonus or 143 dwelling units. In all 1,573 dwelling units are proposed for the site with 192 dwelling units contingent upon acquiring the 4.81 acres.

Commercial

In addition, the project is proposing 75,838 square feet of commercial and retail space. The Specific Plan also suggests a grocery store to be located on the project site. The applicant is in current negotiations with potential tenants.

Impacts to the Project

Landscaping is proposed along the boundaries of the project to buffer the project from surrounding uses. The eventual growth of the landscaping would complement the adjacent sites when they redevelop.

Conclusion

The proposed project's density is consistent with the overall density allowed for the site. The amount of retail is consistent with the Specific Plan and in all the proposed project would not result in significant, adverse land use impacts. **[Less Than Significant Impact]**

4.10 MINERAL RESOURCES

Setting

The site is in an urban, built up area and has been developed with industrial/office buildings since 1997.

Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The project would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present within the general area. The proposed project, therefore, would not result in impacts to mineral resources.

Conclusion

The project would not result in impacts to known mineral resources. **[No Impact]**

4.11 NOISE

Setting

Noise Background

Noise is defined as unwanted sound. Noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of vibrations, higher pitch signals sound louder to people.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level, L_{dn} , is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition to noise levels from 10:00 PM to 7:00 AM to account for human sensitivity to night noise.

Applicable Noise Standard

The Environmental Quality Element of the City of Milpitas's General Plan identifies noise and land use compatibility standards for various land uses (General Plan Figure 5-G). The City establishes 55 DNL as the noise limit for public/educational land uses. Chapter 9.10 "Regulation of Noise and Vibration," of the City of Milpitas Municipal Code identifies allowable hours for construction to limit impacts to sensitive uses.

Existing Noise Environment

Based on the Figure 5-L of the General Plan (*2005 Traffic Noise Levels (dBA, CNEL) – North Santa Clara*), noise levels on the site were estimated at 75 dBA. The site is outside of the 65 dB CNEL contour for the Norman Y. Mineta San José International Airport.³

Noise and Vibration Study

A Noise and Vibration Study was conducted by Charles M. Salter Associates, Inc. This study analyzed the sound presence of freight rail operations, light rail operations and vehicular traffic near the project site.

Environmental Checklist and Discussion of Impacts

NOISE

³ Airport Land Use Commission. Land Use Plan for Areas Surrounding Santa Clara County Airports. September 1992.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project result in:					
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,11
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,11
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,11

Noise Exposure Impacts to the Project

According to the noise and vibration study, the northwest corner of the site may be exposed to horn sounds from freight locomotives as they approach the grade crossing at Great Mall Parkway. Light-rail train operations on the median of Great Mall Parkway were judged to be an insignificant contributor to either noise or ground vibration.

Noise Impacts From Project Traffic

According to the noise and vibration study, traffic on Great Mall Parkway measured a Day-Night Average Sound Level (DNL) of 69 decibels.

Noise Impacts From Construction

Construction related noise would be generated from construction equipment, loading and unloading trucks, and general construction operations.

Mitigation Measures

NOI-1: Pursuant to the recommendations from the noise and vibration study, sound-rated residential windows should be installed along the western side of the project site, beginning at Great Mall Parkway and continuing south for 500 feet. The nominal sound rating of the windows should be 33 STC (Sound Transmission Class). The north side of the project should also have 33 STC sound-rated windows as well as means of fresh-air ventilation so the windows can remain closed. Furthermore, the presence of freight trains on this Union Pacific branch line should be disclosed to future residents of the project.

Conclusion

Implementation of the proposed project would not result in significant noise impacts. **[Less than Significant Impact with Mitigation Measure Incorporated]**

4.12 POPULATION AND HOUSING

Setting

The Transit Area Specific Plan includes only one occupied housing project with approximately 1,180 people. The person per household for multi-family housing in the City is 2.52 based on recent Department of Finance information. Multiplying 1,573 dwelling units by 2.52 equates to a 3,963 population for the proposed project. The Transit Area Specific Plan anticipates an additional 17,900 residents by 2030.

Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Conclusion

The proposed project would not result in significant population or housing impacts. **[Less Than Significant Impact]**

4.13 PUBLIC SERVICES

Setting

Fire Service

The Milpitas Fire Department (MFD) provides full response, preparedness, and prevention services. The department's emergency response and preparedness division handles emergency incidents, safety, training, disaster preparedness and public information. The department fire prevention division handles fire plans, and permits, hazardous materials regulation, inspections and investigations.

Three fire stations are near the Transit Area: Fire station #1, just northwest of the Great Mall at Curtis and South Main streets, Station #2 located north east of the project on Yosemite and South Park Victoria, and Station #4 on Barber Lane just west of I-880. The City has automatic aid and mutual aid agreements with the cities of San Jose and Fremont.

The Transit Area Specific Plan presents unique operational issues for the MFD due to its high density residential and mixed-use structures. The increase in population, business and vehicular traffic resulting from the buildout of the area will increase the demand in service levels and has the potential to impact response times, in addition to presenting challenges to fire department vehicle access and firefighting operations. To maintain current levels of service, an increase in staffing and equipment will be necessary. A "standards-of-cover" analysis should be conducted to determine the precise impact on the department's staffing, equipment and any required facility enhancements.

Police Service

Law enforcement services in Milpitas are provided by the City of Milpitas Police Department (MPD). Additionally, the California Highway Patrol provides law enforcement services in the Planning Area, and the Transit Patrol Division of the Santa Clara County Sheriff provides contract security and law enforcement services for the Valley Transportation Authority. In 2005, the Police Department had a total of 95 sworn police officers: one chief, 21 officers in the Support Services Bureau and 73 officers in the Police Operations Bureau. In 2005, with a total population of 65,000, Milpitas had a ratio of 1.46 officers per 1,000 residents. This service ratio is within the California standards of 1.4 to 1.7 officers per 1,000 residents.

The MPD headquarters are located at 1275 N. Milpitas Boulevard, around two miles from the Transit Area. There are no known community concerns about the location, condition, size, form, or condition of the current police stations. In 2005, the MPD received 18,243 emergency calls. In 2005, the average response time to emergency calls was 3:43. The average response time to non-emergency calls was 7:09. The average response time within the City is approximately four minutes and 40 seconds. Highest priority is assigned to emergency calls where life-threatening conditions occur. The target response time for such emergency calls is three minutes. The number of overall service calls being received by the MPD is currently increasing, rising 10.7 percent between 2004 and 2005, and the department expects the number of calls to continue increasing citywide. MPD's Communications Division has adopted the following standards for dispatching:

- 9-1-1 calls shall be answered by Public Safety Dispatchers within 10 seconds at least 95 percent of the time.
- Dispatch 95 percent of calls within 60 seconds of event creation in CAD.
- Dispatch 95 percent of non-emergency calls within 30 minutes of event creation in CAD.

Most of the crime that occurs in the Planning Area is specific to the Great Mall—thefts, forgery/fraud, and stolen vehicles—and there is little violent crime. In the rest of the

Planning Area, more than half of the police-related calls are vehicle violations, traffic accidents, and theft from autos.

Parks and Schools

According to the Milpitas General Plan, the city has 161 acres of city owned parks and recreational facilities. Part of the 1,544-acre Ed Levin Regional Park is within City limits as well. Most of these parks are well outside of an accessible walking range of the Planning Area, with the exception of Parc Metro East, which is located approximately 0.1 mile north of the Planning area, and Pinewood Park, which is located 0.25 miles west of the Planning Area. Parc

Metro East is a 2-acre neighborhood park which provides playgrounds and barbeque pits. Pinewood Park is an 8-acre park with tennis courts, barbeque pits, tables, and a tot lot.

MUSD operates nine elementary schools which cover kindergarten through 6th grade, two junior high schools (7th and 8th grades), and one traditional single high school. It also has an elementary school type facility (the Murphy site) that is leased out to a private institution until 2016; the lease revenue is needed for current MUSD operations, so if they repossess the school site that income will need to be replaced.

Enrollment and Capacity

In 2006-2007, enrollment in MUSD was approximately 5,043 elementary (grades K-6) school students, 1,462 middle school (grades 7-8) students, and 3,177 high school students, for a total of approximately 9,682 students. The total capacity for the district is 11,493 students, meaning that the district is at 84 percent of capacity overall. However, enrollment is not distributed evenly over school type. Using enrollment numbers from 2006/07, the MUSD elementary schools were at 88 percent of capacity (room for 690 additional students), middle schools were at 89 percent of capacity (room for 180 additional students), and the high school system of Milpitas High plus alternatives is at 95 percent of capacity (room for 165 additional students).

MUSD's enrollment projections through the year 2016 expect the district to see the addition of 2,312 students from 10,270 new housing units, including areas covered by the Transit Area Specific Plan and the Midtown Milpitas Specific Plan. The District is considering several approaches to handling the anticipated growth, all which involve the construction of a new elementary school and the expansion of existing facilities.

Students from new housing built in the Planning Area and within the MUSD boundaries would likely attend Zanker Elementary School, Rancho Milpitas Middle School, and Milpitas High School.

- Zanker Elementary is the closest elementary school and the only MUSD school near the Planning Area. As of the 2005-06 school year, Zanker had an enrollment of 455 students, with a capacity for around 555 students, giving it room for another 100 students.
- Rancho Milpitas Middle School has an enrollment around 658 students, with room for 176 more students.
- Milpitas High School had an enrollment of around 2,922 students in a facility built for 2,100 students, although with temporary classrooms it is considered to have capacity for another 150 students.

Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES

PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <p>Fire Protection?</p> <p>Police Protection?</p> <p>Schools?</p> <p>Parks?</p> <p>Other Public Facilities?</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>1,3</p> <p>1,3</p> <p>1,3</p> <p>1,3</p> <p>1,3</p>

Public Services Impacts

SUMMARY OF IMPACTS

Schools

The number of new students generated by buildout of the proposed Plan will require at least one new elementary school and expansions of existing facilities. Since the provision of public school facilities is outside the control of the City, this is a significant and unavoidable impact, although one that can be mitigated by action from the Milpitas Unified School District.

Fire Protection

With the proposed development of the Transit Area, the fire department would need to expand an existing fire station or build a new one, as well as provide new staff and equipment.

Police Services

Implementation of the proposed Plan would increase the long-term demand for police assistance and new staff and equipment would be required; however, a new police station would not be warranted.

Parks

The combination of Parks/Plazas and Linear Parks meets the expected park requirements for the Planning Area given the anticipated population at buildout. All land shown in the Plan as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if park locations are adjusted).

Impacts Identified under the Transit Area Specific Plan EIR

2. New development under the proposed Milpitas Transit Area Specific Plan will increase the demand for school facilities. (Significant and Unavoidable)

Conclusion

The project would not result in significant impacts to public facilities. **[Less Than Significant Impact]**

4.14 RECREATION**Setting****Environmental Checklist and Discussion of Impacts**

RECREATION					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3

The proposal includes the dedication of a 0.51 acre public plaza. An additional 1.88 acres would be dedicated for a trail along Penetencia Creek. The development impact fee for the project includes park fees. Any park dedication or improvements are credited against the impact fee.

The project's proposal for the urban plaza and trail is consistent with the Transit Area Specific Plan's open space program.

Conclusion

The proposed project would not result in significant impacts to parks and recreational facilities. **[Less Than Significant Impact]**

4.15 TRANSPORTATION

Setting

Existing Roadway Network

The project is accessed via Great Mall Parkway, a six-lane east-west roadway. McCandless Drive, a two-lane, north-south roadway bisects the project. Within the vicinity is Montague Expressway, a six-lane, east-west roadway to the south of the project site that intersects with McCandless.

Regional and Local Roadway Access

Regional access is provided to the project via Interstates 880 and 680, Montague Expressway, and State Route 237. Local access is provided by Main Street, Milpitas Boulevard and Great Mall Parkway.

Existing Transit Service

The project is within the vicinity of the Great Mall Transit center that includes bus and light rail service.

Bus Service

AC Transit, with service to Fremont and VTA, with service throughout Santa Clara County and express routes to Fremont service the area.

Existing Pedestrian and Bicycle Facilities

The area includes sidewalks along streets and Class I and Class II facilities are accessible in the area. No Class I facilities are present within the vicinity.

Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

Overview

This environmental document analyzes the impacts of the 25% transit oriented density bonus for the project. The transit oriented density bonus gives the project 176 additional units. While the project's density (1,573 dwelling units) does not exceed the overall density allowed under the Transit Area Specific Plan (7,000 dwelling units), specific impacts from the project need to be analyzed closer.

Traffic Impacts

A key analysis is determining whether the proposed trip generations for the project are consistent with what was assumed in the Transit Area Specific Plan EIR. Both the project and the Transit Area Specific Plan trips were estimated based on the trip rates in the EIR, with the exception of multi-family residential. The Transit Area Specific Plan calculation used 8 daily trips/unit (consistent with EIR), while the project used 6 daily trips/unit.

The Transit Area Specific Plan Traffic Study included 7,000 dwelling units (all multi-family). Since multi-family units have a daily trip generation range of 6 to 8 trips, the Traffic Study

assumed 8 trips per dwelling unit. Trip generation for townhouses is 8 and apartments/condos are 6. The project is more akin to the apartment/condo rate of 6 trips, which is consistent with the City's use of SANDAG trip generation rates. Using the 8 trip generation rate provided flexibility to the developers of the Transit Area Specific Plan.

When including the retail for the project, the project is estimated to generate 10,605 trips (732 AM peak hour trips and 955 PM peak hour trips). The Transit Area Specific Plan estimated 12,550 daily trips (729 AM peak hour trips and 1,182 PM peak hour trips).

The project net results in 1,945 fewer daily drips (15% decrease), three more AM peak hour trips (less than 1% increase) and 227 fewer PM peak hour trips (19% decrease). The changes are attributed to more residential units and less retail square footage proposed.

The Transit Area Specific Plan calculation was also based on the land use totals that were contained in the travel model TAZs specific to the Integral property. For both the project and the Transit Area Specific Plan trip generation, the studies used the following trip discounts consistent with the Transit Area Specific Plan EIR: 13% internal residential-retail trip matching, 25% retail pass by, and 9% fixed rail discount for housing.

Other impacts

The project would be conditioned to maintain the existing lane configurations on McCandless Drive at the Great Mall Parkway intersection to ensure compliance with the Transit Area Specific Plan EIR.

It is anticipated that a traffic signal would be warranted at the proposed intersection of McCandless Drive and the proposed new local street between the urban plaza and building D. The applicant would be responsible for its proportionate share of that improvement.

The project proposes two new access points from Great Mall Parkway. Great Mall Parkway improvements including but not limited to median island modifications, street curb modifications, and roadway marking modifications to be determined upon findings of focused traffic operations study to address potential weaving impacts that may result from the installation of new driveways along Great Mall Parkway.

Transit Impacts

The VTA has indicated that the existing bus stops may need to be relocated within the project area.

Impacts to Pedestrian or Bicycle Facilities

Additional pedestrian paths would be constructed with the project and additional linkages would be provided to the new trail.

Emergency Access

Adequate emergency access will be accommodated with specific site development review.

Conclusion

The proposed project would not result in significant transportation impacts. **[Less Than Significant Impact]**

4.16 UTILITIES AND SERVICE SYSTEMS

Setting

Water Service

Potable water supply for the Transit Area is provided by the City of Milpitas through its municipal water system. The City provides water service to homes, businesses, and industry within the City of Milpitas, meeting the demands of around 65,000 residents. The City of Milpitas buys domestic water from two sources: the San Francisco Public Utilities Commission (SFPUC), delivered through the Hetch Hetchy Water system, and Santa Clara Valley Water District (SCVWD), delivered through the South Bay Aqueduct. The City's emergency supply consists of one local groundwater wells—with a second one under construction—and three emergency interties, one with the San Jose Water Company and two with the Alameda County Water District.

The City currently has a supply assurance amount from the SFPUC of 9.23 million gallons per day (mgd) or 10,340 acre-feet per year (AFY). This allocation could be reduced in drought years by SFPUC. In addition, it is anticipated that the incremental cost of water supplied by the SFPUC will become more expensive for the City to purchase should the allocation be increased. For these reasons, the City of Milpitas does not anticipate increasing allocations of SFPUC water at this time. Water supplied by SCVWD is derived in part from executed contracts with the State of California Department of Water Resources and the United States Bureau of Reclamation. The City's contract with SCVWD allows for increases in purchased water to accommodate growth within the City. SCVWD bases its long-term water planning projections on employee and household projections provided by the Association of Bay Area Governments (ABAG). SCVWD responds to new land use plans by accommodating them in their projections for longterm water supply and demand. In accordance with the City's contract, SCVWD provides exact delivery commitments on a three-year delivery schedule based, in part, on projections made by the City. The City has previously anticipated that demand will exceed 6,500 AFY by 2005-2006.

Recycled water is also currently available in Milpitas through the South Bay Water Recycling Program (SBWRP).

Wastewater

The San Jose/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for the Transit Area as well as the rest of Milpitas and for several other cities and sanitary districts in the region. The WPCP is a regional facility located in San Jose. The cities of San Jose and Santa Clara jointly own the facility while San Jose operates and maintains the facilities. The WPCP first began operations in 1956 as a primary treatment facility and was upgraded to a tertiary treatment plant in 1964 and again in 1979. The WPCP currently provides primary, secondary and tertiary wastewater treatment (filtration, disinfectant and disinfectant removal).

Currently, the City is discharging wastewater to the WPCP at a rate of between 8 and 9 mgd. The City's most current wet weather (December 2006) discharge rate was 8.232 mgd², down from a December 2005 peak week flow of 9.358 mgd.³ This current flow level is well below the City's 13.5 mgd inflow limit at the WPCP.

The WPCP discharges treated water to Artesian Slough, a tributary to Coyote Creek and the South San Francisco Bay. The WPCP must meet stringent regulatory disposal requirements, including heavy metal limits and maximum dry weather disposal levels intended to protect sensitive salt marshes. In the dry weather period of May through October, the WPCP is required by the San Francisco Regional Water Quality Control Board to limit discharge flows

from the WPCP to 120 mgd ADWF (average dry weather flows), or to flows that would not further impact rare and endangered species habitat.⁵ The WPCP has had programs in place since 1991 to reduce and maintain flows below 120 mgd, and has maintained compliance with this requirement. The average dry weather effluent flow in the last year for which records are available is approximately 100 mgd.⁶ Long term plans to remain in compliance with the 120- mgd requirement include on-going water conservation and water recycling.

Storm Drainage

The City of Milpitas owns and maintains a system of underground pipes and a network of street gutters that convey flows from urban runoff to the San Francisco Bay. Within the Transit Area, the majority of stormwater runoff is conveyed to Berryessa Creek and Lower Penitencia Creek, with portions of the area draining into Wrigley-Ford Creek. Most major drainage facilities within the city, such as creeks and channels, are owned and maintained by SCVWD, although within the Transit Area, the City owns and maintains Wrigley-Ford Creek.

Solid Waste

The City of Milpitas disposes of all solid waste at the Permitted Class III, Subtitle D facility, the Newby Island Sanitary Landfill (NISL), administered by BFI. The Newby Island facility accepts solid waste, recyclables, and compostable materials. The NISL does not accept hazardous waste. The facility is 342 acres, of which waste has been placed on approximately 270 acres, and has over 30 feet of 120 feet total depth available. The City's contract with the NISL runs through 2017.

Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13

UTILITIES AND SERVICE SYSTEMS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13

The Transit Area Specific Plan has built in policies to provide the needed infrastructure for new development. A potential future school site has been designated to the south of this project site. Also, the City's Public Works Department has identified two Conditions of Approval that will allow for high-density development on this site. These infrastructure upgrades were identified in the TASP:

- Integral is required to install the sewer project known as 11A in its entirety. Developer is required to replace 560 linear feet of 18 inch pipe with 21 inch pipe; replace 992 linear feet of 18 inch pipe with 27 inch pipe; and replace 369 feet of 12 inch pipe with 27 inch pipe, as identified on the sewer master plan.
- Integral is required to install a portion of the sewer project known as 11B. The work required at this time includes replacement of 360 linear feet of 15 inch diameter pipe with 18 inch diameter pipe; and replacement of 924 linear feet of 10 inch diameter pipe with 18 inch diameter pipe. The upstream portion is deferred.

Conclusion

The proposed project would not exceed the capacity of existing utilities and service systems. **[Less Than Significant Impact]**

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-14

Discussion: With the implementation of the Mitigation Measures included in the project and described in the specific sections of this report (refer to *Section 4. Environmental Setting, Checklist, and Discussion of Impacts*), on pages 8-54 of this Initial Study, the proposed project would not result in significant environmental impacts.

Global Climate Change Impacts (Cumulative Impacts and Long-Term Environmental Goals)

Global climate change is the alteration of the Earth's weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic-generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth's atmosphere, but prevent radiative

heat from escaping into outer space, which is known as the “greenhouse” effect. The world’s leading climate scientists have reached consensus that global climate change is underway and is very likely caused by humans.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California, a multi-agency “Climate Action Team” has identified a range of strategies and the Air Resources Board, under Assembly Bill (AB) 32, has been designated to adopt the main plan for reducing California's GHG emissions by January 1, 2009, and various regulations and other initiatives for reducing GHG emissions by January 1, 2011. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

While the state of California has established programs to reduce greenhouse gas emissions, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases. Given the global scope of global climate change, the challenge under CEQA is for a Lead Agency to translate the issue down to the level of a CEQA document for a specific project in a way that is meaningful to the decision making process. Under CEQA, the essential questions are whether a project creates or contributes to an environmental impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

Impacts From the Project

Although quantitative measures of climate change have not yet been readily accepted, there are other ways to measure impacts and measures to reduce green house gas emissions. The Transit Area Specific plan is a guiding document for the development of intensified housing and commercial uses near transit hubs. This project is implementing this plan. While the EIR for the TASP identified a significant and unavoidable impacts related to air quality, development near transit stations, over the long run, will reduce vehicle trips, and subsequently reduce vehicle emissions.

Significance of Cumulative Global Climate Change Impacts

In an effort to disclose environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City’s position that, based on the nature of this redevelopment project, its location within an established urban area served by existing infrastructure (rather than a greenfield site) and the measures included in the project to reduce vehicle trips and energy use, the proposed project would not impede the state’s ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32.

Conclusion: With the concentration of housing and jobs near transit hubs, the project would not make a cumulatively considerable contribution to global climate change.

[Less Than Significant Cumulative Impact]

Checklist Sources

1. Project application and plans.
2. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
3. City of Milpitas *City of Milpitas General Plan, 2002*.
4. City of Milpitas, *Municipal Code*.
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6. Bay Area Air Quality Management District, CEQA Guidelines, December 1999.
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9. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990.
10. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel No. 060344-0003-G*.
11. Noise and Vibration Study, Charles M. Salter Associates, Inc. November 12, 2008.
12. Tree Report, Ed Brennan, Consulting Arborist, December 20, 2007.
13. Transit Area Specific Plan Draft Environmental Impact Report, October 2008.
14. McCandless Drive Mixed Use Project Transportation Impact Analysis

SECTION 5 REFERENCES

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SECTION 6 AUTHORS AND CONSULTANTS

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Julie Moloney, Associate Planner

**REPORT ON
TOXIC AIR CONTAMINANTS ANALYSIS
PROPOSED MCCANDLESS DEVELOPMENT PROJECT
MILPITAS, CALIFORNIA**

by

**Haley & Aldrich, Inc.
Walnut Creek, California**

for

**The Milpitas Project Owner, LP
Newport Beach, California**

**File No. 38460-000
9 November 2011**



9 November 2011
File No. 38460-000

The Milpitas Project Owner, LP
160 Newport Center Drive, Suite 240
Newport Beach, California 92660

Attention: C. Evan Knapp

Subject: Toxic Air Contaminants Analysis
Proposed McCandless Development Project
Milpitas, California

Ladies and Gentlemen:

As requested by The Milpitas Project Owner, LP (the Owner) and required by Policy 5.25 of the 2008 City of Milpitas Transit Area Specific Plan (TASP), Haley & Aldrich, Inc. (Haley & Aldrich) has conducted a Toxic Air Contaminant Analysis (TAC) to determine the carcinogenic human health risk associated with diesel particulate matter (DPM) emitted from the active railway and roadways near the proposed McCandless development project (the "Project").

PROJECT BACKGROUND

The City of Milpitas has approved the rezoning of an approximate 23-acre site located on McCandless Drive, south of the Great Mall Parkway from Light Industrial to High Density Transit-Oriented Residential and Mixed High Density Residential-Retail in order to allow for the conversion and redevelopment of each parcel for residential and retail use. The site consists of the following seven parcels:

- APN No. 086-33-092 (1325-1395 McCandless Drive) – Lot 7;
- APN No. 086-33-093 (1425-1465 McCandless Drive) – Lot 8;
- APN No. 086-33-094 (1525-1555 McCandless Drive) – Lot 9;
- APN No. 086-33-095 (1575-1595 McCandless Drive) – Lot 10;
- APN No. 086-33-098 (1590-1616 McCandless Drive) – Lot 4;
- APN No. 086-33-099 (1490-1520 McCandless Drive) – Lot 5; and
- APN No. 086-33-101 (1310-1350 and 1450 McCandless Drive) – Lots 6A and 6B.

Currently, each parcel is occupied by a single one-story light industrial building between 30,000 and 80,000 square feet.

For new residential development, Policy 5.25 of the 2008 City of Milpitas TASP requires that for a "development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the

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carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.”

To meet the requirements of the TASP, Haley & Aldrich evaluated the policy applicability and the cumulative carcinogenic human health risk to future residents from exposure to DPM emissions from active rail and roadways.

POLICY APPLICABILITY AND ANALYSIS INTRODUCTION

Due to the proximity of the Union Pacific Railroad just west of the Project, an evaluation of the possible carcinogenic human health risk associated with the rail and roadway traffic was necessary per Policy 5.25 of the 2008 TASP.

To evaluate the risk, a 10-meter receptor grid was established over the entire property as discerning the residential from retail/commercial properties was not possible at the time of this analysis. During the air dispersion modeling task discussed below, it was determined that concentrations were highest for all receptors at ground level, therefore it was unnecessary to assess risk at various elevations should the Project include multi-level residential units.

The carcinogenic human health risk associated with DPM at each receptor location was determined as discussed below.

TOXIC AIR CONTAMINANTS ANALYSIS – RAILWAY

To determine the human health risk associated with the railway immediately west of the project site, the following steps were employed:

- DPM emissions from the locomotives were estimated.
- Air dispersion modeling was used to estimate the annual average air concentration at each receptor location.
- The DPM concentration for each receptor location was used to estimate the possible carcinogenic health risk.

Emission Estimates

To estimate the emissions from the railway, available information was used to establish rail traffic activity parameters. The parameters are summarized in Table I.

The method of quantifying railway emissions is similar to the method provided for in the Port of Redwood City 2005 Emissions Inventory¹ and uses information in that report as well as USEPA's Locomotive Emissions Standard Support Document.² These documents provide a methodology to calculate annual estimated emissions from the adjacent railway segment based on the locomotive fleet weighted PM emission factors, locomotive duty cycle, and annual hours of travel on the railway adjacent to the project. The resultant annualized PM emission rate was determined to be 0.00022 g/s. See Table II for the detailed emission calculations.

Receptor Concentrations

Using the above emission rate, the estimated concentrations of DPM was generated at each receptor location using USEPA's Industrial Source Complex Short Term Model (ISCST3) air dispersion model. The parameters and assumptions used to generate the receptor concentrations are provided in Table III and are consistent with USEPA modeling instructions for modeling rail sources.³ Table IV provides the DPM concentrations at each receptor as a result of the railway traffic.

Cancer Risk Assessment Methodology

Using the generated DPM concentrations at each receptor, the estimated inhalation cancer risk from exposure to DPM was determined using methods similar to those provided in the assessments conducted per the 2005 California Air Resources Board and Railroad Statewide Agreement with UPRR and BNSF Railways⁴ and the ARB Health Risk Assessment Guidance for Rail Yard and Intermodal Facilities.⁵

The methods below represents a Tier-1 assessment as described by OEHHA.⁶ The inhalation dose and associated cancer risk is estimated based on Equations 1 and 2:

$$\text{Inhalation Dose (Dose-Inh)} = 10^{-6} \cdot \text{Cair} \cdot \text{DBR} \cdot (\text{EF} \cdot \text{ED})/\text{AT} \quad [\text{Equation 1}]$$

Where,

Dose-inh - Dose through inhalation (mg/kg-day)

10^{-6} - Unit conversion factor

Cair - Model-estimated DPM concentration ($\mu\text{g}/\text{m}^3$)

DBR - Daily breathing rate (L/kg-day)

EF - Exposure frequency (days/year)

ED - Exposure duration (years)

AT - Averaging time period over which exposure is averaged (days)

$$\text{Cancer risk} = \text{Cancer Potency (CP)} \cdot \text{Dose-Inh} \quad [\text{Equation 2}]$$

Where,

Cancer risk - Estimated increase in cancer risk (increase per million population)

CP - Cancer potency; the cancer potency (in $\text{mg}/\text{kg}\cdot\text{day}^{-1}$)

Table V provides the parameters used to generate the cancer risks calculated at each receptor shown in Table VI.

TOXIC AIR CONTAMINANTS ANALYSIS – ROADWAYS

To assess the risk associated with the roadways the BAAQMD Roadway Screening Analysis Table for Santa Clara County was used.⁷ The estimated lifetime cancer risk from the roadways depends on the annual average daily traffic (ADT) and the distance from the receptor to the roadway. Per the screening analysis table, no analysis is required for ADT values less than 10,000.

Roadways within 500 feet of the Project include:

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- South Main Street (to the west of the Project)
- Great Mall Parkway (to the north of the Project)
- McCandless Drive (north-south road bisecting the Project); name changes to Fairlane Drive north of Great Mall Parkway
- Center Pointe Drive (to the east of the Project); name change to Mustang Drive north of Great Mall Parkway
- Great Mall Drive(directionally east-west; north of the Great Mall Parkway)

To determine the ADT values, the traffic volume map available on the City of Milpitas website was used. To insure the map had the most current traffic volume information a traffic engineer for the City of Milpitas Engineering Division was contacted. The conversation confirmed that with exception of Great Mall Parkway the traffic volume information provided on the website was the best available. Per the Traffic Engineer, the 2010 average daily volume for Great Mall Parkway between Abel Street and Main Street were 12,200 vehicles for the northwest direction and 11,800 for the southeast direction. The traffic volume map indicated McCandless Drive, Center Point Drive and Great Mall Drive all have ADT values less than 10,000 and therefore require no further analysis. Therefore the receptor cancer risk associated with DPM from Great Mall Parkway and South Main Street will be determined.

A drawing of the property and surrounding area was developed and imported into the air dispersion model where the receptor grid was overlaid on the property and then exported back to AutoCAD. Within AutoCAD, a scaled drawing was then used to determine the lifetime cancer risk based on the distance from the receptor directionally north (to Great Mall Parkway) or west (to South Main Street). When the ADT value or distance between the receptor and roadway is between two screening table values, linear interpolations were used to obtain the cancer risk at the reported ADT and distance per Air Quality Guidelines provided by BAAQMD.⁸ The lifetime cancer risk associated with roadway DPM at each receptor location can be found in Table VI.

RESULTS OF THE TOXIC AIR CONTAMINANTS ANALYSIS

Table VI provides the total cancer risk for DPM generated from railway and roadway as identified above. Of the 1,032 receptor locations, 34 receptors exceeded the 10 in a million cancer risk outlined in Policy 5.25. The maximum onsite cancer risk was found to be 12.18. The distribution of the exceedances (x) is provided in the following table:

Cancer Risk associated with DPM (in millions)	Frequency
$10 < x < 11$	20
$11 \leq x < 12$	9
$12 \leq x$	5

All of the exceedances are within 130 meters of the northern property boundary and within 30 meters of the western property boundary. It is unknown at this time if residential buildings are planned in this area, therefore an abbreviated discussion of mitigation measures are provided below.

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MITIGATION MEASURE INVESTIGATION

The modeling above and underlying assumptions, including exposure duration and unobstructed DPM concentrations from road/rail at each receptor, present a conservative analysis of possible concentrations at each receptor. But as combined results for a limited number of receptors exceed the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, Policy 5.25 states: “the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.” This section provides a limited discussion on possible mitigative measures should any residential buildings be sited within 130 meters of the northern property boundary and within 30 meters of the western property boundary.

Filtration

DPM consists of fine particulates typically less than 2.5 micrometers (μm) in size per USEPA.⁹ A ventilation system with a minimum efficacy reporting value (MERV) 13, consistent with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards¹⁰ has the potential to remove between 75 percent and 90 percent of particulate emissions in the particle size range of 0.30 to 3.0.¹¹

Considering time spent outdoors in the areas where receptor cancer risks exceeded 10 and considering the impacts of unfiltered air through doors, windows and cracks, the above filter would certainly decrease the risk at each receptor to values within the policy.

Vegetation Barriers

Because of the concern regarding diesel particulate matter concentrations, the University of California at Davis has conducted work to review air quality improvements associated with near-road barriers such as sound walls and vegetation. As part of the work an extensive body of documents was reviewed regarding the reduction of particulate matter by urban forests. This work identified several factors impacting the ability of vegetation to reduce airborne concentrations including wind speed, vegetation characteristics, and species selection, foliate characteristics, particulate diameters and plot location.¹²

As part of the above work, the removal rate of particulate matter passing through vegetative layers of redwood, deodar and live oak were studied with winds speeds up to 4 meters per second (m/s) or approximately 9 miles per hour (mph). All species showed a removal rate of at least 50% at wind speeds less than 0.5 m/s. Deodar showed a 50% reduction at winds in the area of 2 to 2.5 m/s with redwood achieving a 30% reduction in wind speeds at 2 m/s. The study concluded that vegetation is very effective at low wind speeds and where the vegetation is close to the source of emissions. The study also noted the expectation that diesel emissions would be more efficiently removed onto vegetation because of higher diffusion rates.¹³

Should mitigation be considered, given the limited receptors above the policy, vegetative barriers in the north western portion of the property would be sufficient to mitigate any exceedance.

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CONCLUSION

The above analysis identified a very limited area (34 out of 1,032 receptor locations) of the proposed development – located within 130 meters of the northern property boundary and within 30 meters of the western property boundary – that exceeds the risk threshold established in Policy 5.25 of the City of Milpitas TASP for DPM. At this time it is unknown whether residential buildings will be sited in this area. While mitigation measures discussed above could be implemented to address the risk it is likely unnecessary given the conservative nature of the analysis and the expected continued decrease in emissions of diesel exhaust as USEPA mandates stricter emission requirements for diesel engines.

We appreciate the opportunity to provide environmental consulting services on this project. Please do not hesitate to call James at 925.949.2760 if you have any questions or comments.

Sincerely yours,
HALEY & ALDRICH, INC.



Craig S. Schmeisser
Air Quality Specialist



James P. Schwartz
Client Leader

Enclosures:

- Table I – Railway Traffic Information
- Table II – DPM Emissions from Locomotives
- Table III – Model Input Parameters
- Table IV – DPM Concentrations at Receptor Locations
- Table V – Risk Assessment Parameters for Railway
- Table VI – Cancer Risk
- Figure 1 – Site Location and Receptor Grid

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2. USEPA. 1998. Locomotive Emissions Standards Regulatory Support Document.
3. USPEA. 1995. User's Guide for the Industrial Source Complex (ISC3) Dispersion Models. EPA-4504/B-95-003a and EPA-4504/B-95-003b.
4. 2005 California Air Resources Board and Railroad Statewide Agreement with UPRR and BNSF Railways.
5. ARB Health Risk Assessment Guidance for Rail Yard and Intermodal Facilities, California Air Resources Board, September 2006.
6. OEHHA. 2003. "The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments."
7. BAAQMD. 2011. Roadway Screening Analysis Tables.
8. BAAQMD. 2011 CEQA Air Quality Guidelines.
9. USEPA. 2002. Health Assessment Document for Diesel Exhaust.
10. ASHRAE. 1999. ANSI/ASHRAE Standards 52.2.
11. National Air Filtration Association. 2010. Understanding MERV. NAFA User's Guide for ANSI/ASHRAE Standard 52.2-2007.
12. UC-Davis and Caltrans. 2009. Practical Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers.
13. Fujii, E., J. Lawton, T. Cahill, D. Barnes, C. Hayes, and N. Spada. 2008. Removal Rates of Particulate Matter onto Vegetation as a Function of Particle Size.

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TABLES

Table I
Railway Traffic Information
McCandless Drive Properties
Milpitas, California

Parameter	Value
Trains per day ¹	2
Weeks per year ¹	52
Days per week ¹	5
Trains per year	520
Track length (ft)	2833
Travel Speed (mph)	10
Annual hours of travel	27.9

Footnotes:

¹Assumptions made for a property immediately south.

²Length of track adjacent to property with an additional 500' per TASP Policy 5.25.

³See Reference 1.

**Table II
DPM Emissions from Locomotives
McCandless Drive Properties
Milpitas, California**

Locomotive Emission Factors Data											
Locomotive Model Group	Fleet Mix Percentage²	DPM Emissions by Notch Setting (g/hr)¹									
		Idle	Dynamic Braking	1	2	3	4	5	6	7	8
GP-4x	23%	47.9	80	35.7	134.3	211.9	228.6	289.7	488.5	584.2	749.9
SD-7x	56%	14.8	15.1	36.8	61.1	215.7	335.9	388.6	766.8	932.1	1009.6
Dash 9	21%	21%	88.4	62.1	140.2	259.5	342.2	380.4	443.5	402.7	570

Footnotes:

¹See Reference 1.

²See Reference 2.

Locomotive DPM Emissions Calculation											
Locomotive Notch Setting	Idle	Dynamic brake	1	2	3	4	5	6	7	8	
Locomotive Fleet Weighted PM Emissions Factor (g/hr)	22.9	45.4	41.9	94.5	224	312.5	364.1	634.9	740.9	857.6	
Duty Cycle: Line-Haul % Time in notch ¹	38	12.5	6.5	6.5	5.2	4.4	3.8	3.9	3	16.2	
Annual PM Emissions (lb/year) ²	15.28										
Annualized PM Rate (g/s)	2.20E-04										

Footnotes:

¹See Reference 2.

²Emissions quantified based on hours of operation provided in Table 1, locomotive fleet weighted PM emission factor and % time in notch.

Table III
Model Input Parameters
McCandless Drive Properties
Milpitas, California

Model Parameter	Input
Source ¹	Rail
Source Type ¹	Volume
Meteorological Data ²	Alviso Station in Santa Clara County (1996 - 2000)
Dispersion Parameters ¹	Urban
Source Dimension (m) ³	3' x 3'
Number of Sources	89
Release Height (m) ¹	0
Initial Vertical Dimension (m) ¹	2.33
Initial Lateral Dimension (m) ¹	2.15

Footnotes:

¹See Reference 3.

²BAAQMD meteorological data may be found at <http://hank.baaqmd.gov/tec/data/#>.

³Based on track width.

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,440	4,140,720	10	0	0.00157
597,450	4,140,720	10	0	0.00147
597,460	4,140,720	10	0	0.00138
597,470	4,140,720	10	0	0.00130
597,320	4,140,730	10	0	0.00532
597,330	4,140,730	10	0	0.00451
597,340	4,140,730	10	0	0.00391
597,350	4,140,730	10	0	0.00345
597,360	4,140,730	10	0	0.00307
597,370	4,140,730	10	0	0.00277
597,380	4,140,730	10	0	0.00251
597,390	4,140,730	10	0	0.00230
597,400	4,140,730	10	0	0.00211
597,410	4,140,730	10	0	0.00195
597,420	4,140,730	10	0	0.00181
597,430	4,140,730	10	0	0.00168
597,440	4,140,730	10	0	0.00157
597,450	4,140,730	10	0	0.00148
597,460	4,140,730	10	0	0.00139
597,470	4,140,730	10	0	0.00131
597,480	4,140,730	10.23	0	0.00123
597,300	4,140,740	10	0	0.00802
597,310	4,140,740	10	0	0.00637
597,320	4,140,740	10	0	0.00528
597,330	4,140,740	10	0	0.00449
597,340	4,140,740	10	0	0.00390
597,350	4,140,740	10	0	0.00344
597,360	4,140,740	10	0	0.00307
597,370	4,140,740	10	0	0.00276
597,380	4,140,740	10	0	0.00251
597,390	4,140,740	10	0	0.00229
597,400	4,140,740	10	0	0.00211
597,410	4,140,740	10	0	0.00195
597,420	4,140,740	10	0	0.00181
597,430	4,140,740	10	0	0.00169
597,440	4,140,740	10	0	0.00158
597,450	4,140,740	10.03	0	0.00148
597,460	4,140,740	10.07	0	0.00139
597,470	4,140,740	10.1	0	0.00131
597,480	4,140,740	10.32	0	0.00123
597,300	4,140,750	10	0	0.00791
597,310	4,140,750	10	0	0.00631
597,320	4,140,750	10	0	0.00523
597,330	4,140,750	10	0	0.00446
597,340	4,140,750	10	0	0.00388
597,350	4,140,750	10	0	0.00342
597,360	4,140,750	10	0	0.00306
597,370	4,140,750	10	0	0.00276
597,380	4,140,750	10	0	0.00251

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,390	4,140,750	10	0	0.00229
597,400	4,140,750	10	0	0.00211
597,410	4,140,750	10	0	0.00195
597,420	4,140,750	10	0	0.00181
597,430	4,140,750	10	0	0.00169
597,440	4,140,750	10	0	0.00158
597,450	4,140,750	10.1	0	0.00148
597,460	4,140,750	10.25	0	0.00139
597,470	4,140,750	10.4	0	0.00131
597,480	4,140,750	10.58	0	0.00124
597,300	4,140,760	10	0	0.00780
597,310	4,140,760	10	0	0.00624
597,320	4,140,760	10	0	0.00519
597,330	4,140,760	10	0	0.00443
597,340	4,140,760	10	0	0.00386
597,350	4,140,760	10	0	0.00341
597,360	4,140,760	10	0	0.00305
597,370	4,140,760	10	0	0.00275
597,380	4,140,760	10	0	0.00250
597,390	4,140,760	10	0	0.00229
597,400	4,140,760	10	0	0.00211
597,410	4,140,760	10	0	0.00195
597,420	4,140,760	10	0	0.00181
597,430	4,140,760	10	0	0.00169
597,440	4,140,760	10	0	0.00158
597,450	4,140,760	10.18	0	0.00148
597,460	4,140,760	10.44	0	0.00139
597,470	4,140,760	10.7	0	0.00131
597,480	4,140,760	10.83	0	0.00124
597,300	4,140,770	10	0	0.00769
597,310	4,140,770	10	0	0.00618
597,320	4,140,770	10	0	0.00515
597,330	4,140,770	10	0	0.00440
597,340	4,140,770	10	0	0.00384
597,350	4,140,770	10	0	0.00339
597,360	4,140,770	10	0	0.00304
597,370	4,140,770	10	0	0.00274
597,380	4,140,770	10	0	0.00250
597,390	4,140,770	10	0	0.00229
597,400	4,140,770	10	0	0.00210
597,410	4,140,770	10	0	0.00195
597,420	4,140,770	10	0	0.00181
597,430	4,140,770	10	0	0.00169
597,440	4,140,770	10	0	0.00158
597,450	4,140,770	10.23	0	0.00148
597,460	4,140,770	10.56	0	0.00139
597,470	4,140,770	10.9	0	0.00131
597,480	4,140,770	11	0	0.00124
597,300	4,140,780	10	0	0.00758
597,310	4,140,780	10	0	0.00611

Table IV

**DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California**

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,320	4,140,780	10	0	0.00511
597,330	4,140,780	10	0	0.00437
597,340	4,140,780	10	0	0.00382
597,350	4,140,780	10	0	0.00338
597,360	4,140,780	10	0	0.00303
597,370	4,140,780	10	0	0.00273
597,380	4,140,780	10	0	0.00249
597,390	4,140,780	10	0	0.00228
597,400	4,140,780	10	0	0.00210
597,410	4,140,780	10	0	0.00194
597,420	4,140,780	10	0	0.00181
597,430	4,140,780	10	0	0.00168
597,440	4,140,780	10	0	0.00158
597,450	4,140,780	10.23	0	0.00148
597,460	4,140,780	10.56	0	0.00139
597,470	4,140,780	10.9	0	0.00131
597,480	4,140,780	11	0	0.00124
597,300	4,140,790	10	0	0.00748
597,310	4,140,790	10	0	0.00605
597,320	4,140,790	10	0	0.00506
597,330	4,140,790	10	0	0.00435
597,340	4,140,790	10	0	0.00380
597,350	4,140,790	10	0	0.00336
597,360	4,140,790	10	0	0.00301
597,370	4,140,790	10	0	0.00273
597,380	4,140,790	10	0	0.00248
597,390	4,140,790	10	0	0.00228
597,400	4,140,790	10	0	0.00210
597,410	4,140,790	10	0	0.00194
597,420	4,140,790	10	0	0.00180
597,430	4,140,790	10	0	0.00168
597,440	4,140,790	10	0	0.00157
597,450	4,140,790	10.23	0	0.00148
597,460	4,140,790	10.56	0	0.00139
597,470	4,140,790	10.9	0	0.00131
597,480	4,140,790	11	0	0.00124
597,300	4,140,800	10	0	0.00738
597,310	4,140,800	10	0	0.00598
597,320	4,140,800	10	0	0.00502
597,330	4,140,800	10	0	0.00432
597,340	4,140,800	10	0	0.00378
597,350	4,140,800	10	0	0.00335
597,360	4,140,800	10	0	0.00300
597,370	4,140,800	10	0	0.00272
597,380	4,140,800	10	0	0.00248
597,390	4,140,800	10	0	0.00227
597,400	4,140,800	10	0	0.00209
597,410	4,140,800	10	0	0.00194
597,420	4,140,800	10	0	0.00180
597,430	4,140,800	10	0	0.00168

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,440	4,140,800	10	0	0.00157
597,450	4,140,800	10.23	0	0.00148
597,460	4,140,800	10.56	0	0.00139
597,470	4,140,800	10.9	0	0.00131
597,480	4,140,800	11	0	0.00123
597,300	4,140,810	10	0	0.00728
597,310	4,140,810	10	0	0.00592
597,320	4,140,810	10	0	0.00498
597,330	4,140,810	10	0	0.00429
597,340	4,140,810	10	0	0.00375
597,350	4,140,810	10	0	0.00333
597,360	4,140,810	10	0	0.00299
597,370	4,140,810	10	0	0.00271
597,380	4,140,810	10	0	0.00247
597,390	4,140,810	10	0	0.00226
597,400	4,140,810	10	0	0.00209
597,410	4,140,810	10	0	0.00193
597,420	4,140,810	10	0	0.00180
597,430	4,140,810	10	0	0.00168
597,440	4,140,810	10	0	0.00157
597,450	4,140,810	10.23	0	0.00147
597,460	4,140,810	10.56	0	0.00139
597,470	4,140,810	10.9	0	0.00131
597,480	4,140,810	11	0	0.00123
597,300	4,140,820	10	0	0.00718
597,310	4,140,820	10	0	0.00586
597,320	4,140,820	10	0	0.00494
597,330	4,140,820	10	0	0.00426
597,340	4,140,820	10	0	0.00373
597,350	4,140,820	10	0	0.00332
597,360	4,140,820	10	0	0.00298
597,370	4,140,820	10	0	0.00270
597,380	4,140,820	10	0	0.00246
597,390	4,140,820	10	0	0.00226
597,400	4,140,820	10	0	0.00208
597,410	4,140,820	10	0	0.00193
597,420	4,140,820	10	0	0.00179
597,430	4,140,820	10	0	0.00167
597,440	4,140,820	10	0	0.00157
597,450	4,140,820	10.23	0	0.00147
597,460	4,140,820	10.56	0	0.00138
597,470	4,140,820	10.9	0	0.00130
597,480	4,140,820	11	0	0.00123
597,300	4,140,830	10	0	0.00709
597,310	4,140,830	10	0	0.00580
597,320	4,140,830	10	0	0.00490
597,330	4,140,830	10	0	0.00423
597,340	4,140,830	10	0	0.00371
597,350	4,140,830	10	0	0.00330
597,360	4,140,830	10	0	0.00296

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,370	4,140,830	10	0	0.00269
597,380	4,140,830	10	0	0.00245
597,390	4,140,830	10	0	0.00225
597,400	4,140,830	10	0	0.00208
597,410	4,140,830	10	0	0.00192
597,420	4,140,830	10	0	0.00179
597,430	4,140,830	10	0	0.00167
597,440	4,140,830	10	0	0.00156
597,450	4,140,830	10.23	0	0.00147
597,460	4,140,830	10.56	0	0.00138
597,470	4,140,830	10.9	0	0.00130
597,480	4,140,830	11	0	0.00123
597,300	4,140,840	10	0	0.00700
597,310	4,140,840	10	0	0.00574
597,320	4,140,840	10	0	0.00486
597,330	4,140,840	10	0	0.00420
597,340	4,140,840	10	0	0.00369
597,350	4,140,840	10	0	0.00328
597,360	4,140,840	10	0	0.00295
597,370	4,140,840	10	0	0.00268
597,380	4,140,840	10	0	0.00244
597,390	4,140,840	10	0	0.00224
597,400	4,140,840	10	0	0.00207
597,410	4,140,840	10	0	0.00192
597,420	4,140,840	10	0	0.00178
597,430	4,140,840	10	0	0.00167
597,440	4,140,840	10	0	0.00156
597,450	4,140,840	10.23	0	0.00146
597,460	4,140,840	10.56	0	0.00138
597,470	4,140,840	10.9	0	0.00130
597,480	4,140,840	11	0	0.00123
597,300	4,140,850	10	0	0.00691
597,310	4,140,850	10	0	0.00569
597,320	4,140,850	10	0	0.00482
597,330	4,140,850	10	0	0.00417
597,340	4,140,850	10	0	0.00367
597,350	4,140,850	10	0	0.00326
597,360	4,140,850	10	0	0.00294
597,370	4,140,850	10	0	0.00266
597,380	4,140,850	10	0	0.00243
597,390	4,140,850	10	0	0.00223
597,400	4,140,850	10	0	0.00206
597,410	4,140,850	10	0	0.00191
597,420	4,140,850	10	0	0.00178
597,430	4,140,850	10	0	0.00166
597,440	4,140,850	10	0	0.00156
597,450	4,140,850	10.23	0	0.00146
597,460	4,140,850	10.56	0	0.00137
597,470	4,140,850	10.9	0	0.00129
597,480	4,140,850	11	0	0.00122

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,490	4,140,850	11	0	0.00116
597,300	4,140,860	10	0	0.00683
597,310	4,140,860	10	0	0.00563
597,320	4,140,860	10	0	0.00478
597,330	4,140,860	10	0	0.00414
597,340	4,140,860	10	0	0.00364
597,350	4,140,860	10	0	0.00325
597,360	4,140,860	10	0	0.00292
597,370	4,140,860	10	0	0.00265
597,380	4,140,860	10	0	0.00242
597,390	4,140,860	10	0	0.00223
597,400	4,140,860	10	0	0.00206
597,410	4,140,860	10	0	0.00191
597,420	4,140,860	10	0	0.00177
597,430	4,140,860	10	0	0.00166
597,440	4,140,860	10	0	0.00155
597,450	4,140,860	10.23	0	0.00146
597,460	4,140,860	10.56	0	0.00137
597,470	4,140,860	10.9	0	0.00129
597,480	4,140,860	11	0	0.00122
597,490	4,140,860	11	0	0.00115
597,300	4,140,870	10	0	0.00675
597,310	4,140,870	10	0	0.00557
597,320	4,140,870	10	0	0.00474
597,330	4,140,870	10	0	0.00411
597,340	4,140,870	10	0	0.00362
597,350	4,140,870	10	0	0.00323
597,360	4,140,870	10	0	0.00291
597,370	4,140,870	10	0	0.00264
597,380	4,140,870	10	0	0.00241
597,390	4,140,870	10	0	0.00222
597,400	4,140,870	10	0	0.00205
597,410	4,140,870	10	0	0.00190
597,420	4,140,870	10	0	0.00177
597,430	4,140,870	10	0	0.00165
597,440	4,140,870	10	0	0.00155
597,450	4,140,870	10.23	0	0.00145
597,460	4,140,870	10.56	0	0.00136
597,470	4,140,870	10.9	0	0.00129
597,480	4,140,870	11	0	0.00121
597,490	4,140,870	11	0	0.00115
597,290	4,140,880	10	0	0.00839
597,300	4,140,880	10	0	0.00667
597,310	4,140,880	10	0	0.00552
597,320	4,140,880	10	0	0.00470
597,330	4,140,880	10	0	0.00408
597,340	4,140,880	10	0	0.00360
597,350	4,140,880	10	0	0.00321
597,360	4,140,880	10	0	0.00289
597,370	4,140,880	10	0	0.00263

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,380	4,140,880	10	0	0.00240
597,390	4,140,880	10	0	0.00221
597,400	4,140,880	10	0	0.00204
597,410	4,140,880	10	0	0.00189
597,420	4,140,880	10	0	0.00176
597,430	4,140,880	10	0	0.00164
597,440	4,140,880	10	0	0.00154
597,450	4,140,880	10.23	0	0.00145
597,460	4,140,880	10.56	0	0.00136
597,470	4,140,880	10.9	0	0.00128
597,480	4,140,880	11	0	0.00121
597,490	4,140,880	11	0	0.00114
597,290	4,140,890	10	0	0.00826
597,300	4,140,890	10	0	0.00659
597,310	4,140,890	10	0	0.00546
597,320	4,140,890	10	0	0.00466
597,330	4,140,890	10	0	0.00405
597,340	4,140,890	10	0	0.00357
597,350	4,140,890	10	0	0.00319
597,360	4,140,890	10	0	0.00288
597,370	4,140,890	10	0	0.00262
597,380	4,140,890	10	0	0.00239
597,390	4,140,890	10	0	0.00220
597,400	4,140,890	10	0	0.00203
597,410	4,140,890	10	0	0.00188
597,420	4,140,890	10	0	0.00175
597,430	4,140,890	10	0	0.00164
597,440	4,140,890	10	0	0.00153
597,450	4,140,890	10.23	0	0.00144
597,460	4,140,890	10.56	0	0.00135
597,470	4,140,890	10.9	0	0.00128
597,480	4,140,890	11	0	0.00121
597,490	4,140,890	11	0	0.00114
597,290	4,140,900	10	0	0.00814
597,300	4,140,900	10	0	0.00651
597,310	4,140,900	10	0	0.00541
597,320	4,140,900	10	0	0.00462
597,330	4,140,900	10	0	0.00402
597,340	4,140,900	10	0	0.00355
597,350	4,140,900	10	0	0.00317
597,360	4,140,900	10	0	0.00286
597,370	4,140,900	10	0	0.00260
597,380	4,140,900	10	0	0.00238
597,390	4,140,900	10	0	0.00219
597,400	4,140,900	10	0	0.00202
597,410	4,140,900	10	0	0.00188
597,420	4,140,900	10	0	0.00175
597,430	4,140,900	10	0	0.00163
597,440	4,140,900	10	0	0.00153
597,450	4,140,900	10.23	0	0.00143

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,460	4,140,900	10.56	0	0.00135
597,470	4,140,900	10.9	0	0.00127
597,480	4,140,900	11	0	0.00120
597,490	4,140,900	11	0	0.00113
597,290	4,140,910	10	0	0.00802
597,300	4,140,910	10	0	0.00643
597,310	4,140,910	10	0	0.00535
597,320	4,140,910	10	0	0.00458
597,330	4,140,910	10	0	0.00399
597,340	4,140,910	10	0	0.00353
597,350	4,140,910	10	0	0.00316
597,360	4,140,910	10	0	0.00285
597,370	4,140,910	10	0	0.00259
597,380	4,140,910	10	0	0.00237
597,390	4,140,910	10	0	0.00218
597,400	4,140,910	10	0	0.00201
597,410	4,140,910	10	0	0.00187
597,420	4,140,910	10	0	0.00174
597,430	4,140,910	10	0	0.00162
597,440	4,140,910	10	0	0.00152
597,450	4,140,910	10.23	0	0.00143
597,460	4,140,910	10.56	0	0.00134
597,470	4,140,910	10.9	0	0.00127
597,480	4,140,910	11	0	0.00119
597,490	4,140,910	11	0	0.00113
597,290	4,140,920	10	0	0.00789
597,300	4,140,920	10	0	0.00635
597,310	4,140,920	10	0	0.00530
597,320	4,140,920	10	0	0.00454
597,330	4,140,920	10	0	0.00396
597,340	4,140,920	10	0	0.00350
597,350	4,140,920	10	0	0.00314
597,360	4,140,920	10	0	0.00283
597,370	4,140,920	10	0	0.00258
597,380	4,140,920	10	0	0.00236
597,390	4,140,920	10	0	0.00217
597,400	4,140,920	10	0	0.00201
597,410	4,140,920	10	0	0.00186
597,420	4,140,920	10	0	0.00173
597,430	4,140,920	10	0	0.00162
597,440	4,140,920	10	0	0.00151
597,450	4,140,920	10.23	0	0.00142
597,460	4,140,920	10.56	0	0.00134
597,470	4,140,920	10.9	0	0.00126
597,480	4,140,920	11	0	0.00119
597,490	4,140,920	11	0	0.00112
597,290	4,140,930	10	0	0.00777
597,300	4,140,930	10	0	0.00627
597,310	4,140,930	10	0	0.00525
597,320	4,140,930	10	0	0.00450

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,330	4,140,930	10	0	0.00393
597,340	4,140,930	10	0	0.00348
597,350	4,140,930	10	0	0.00312
597,360	4,140,930	10	0	0.00282
597,370	4,140,930	10	0	0.00256
597,380	4,140,930	10	0	0.00235
597,390	4,140,930	10	0	0.00216
597,400	4,140,930	10	0	0.00200
597,410	4,140,930	10	0	0.00185
597,420	4,140,930	10	0	0.00172
597,430	4,140,930	10	0	0.00161
597,440	4,140,930	10	0	0.00151
597,450	4,140,930	10.23	0	0.00141
597,460	4,140,930	10.56	0	0.00133
597,470	4,140,930	10.9	0	0.00125
597,480	4,140,930	11	0	0.00118
597,490	4,140,930	11	0	0.00112
597,290	4,140,940	10	0	0.00765
597,300	4,140,940	10	0	0.00620
597,310	4,140,940	10	0	0.00519
597,320	4,140,940	10	0	0.00446
597,330	4,140,940	10	0	0.00390
597,340	4,140,940	10	0	0.00346
597,350	4,140,940	10	0	0.00310
597,360	4,140,940	10	0	0.00280
597,370	4,140,940	10	0	0.00255
597,380	4,140,940	10	0	0.00233
597,390	4,140,940	10	0	0.00215
597,400	4,140,940	10	0	0.00199
597,410	4,140,940	10	0	0.00184
597,420	4,140,940	10	0	0.00171
597,430	4,140,940	10	0	0.00160
597,440	4,140,940	10	0	0.00150
597,450	4,140,940	10.23	0	0.00141
597,460	4,140,940	10.56	0	0.00132
597,470	4,140,940	10.9	0	0.00125
597,480	4,140,940	11	0	0.00117
597,490	4,140,940	11	0	0.00111
597,290	4,140,950	10	0	0.00754
597,300	4,140,950	10	0	0.00612
597,310	4,140,950	10	0	0.00514
597,320	4,140,950	10	0	0.00442
597,330	4,140,950	10	0	0.00387
597,340	4,140,950	10	0	0.00344
597,350	4,140,950	10	0	0.00308
597,360	4,140,950	10	0	0.00278
597,370	4,140,950	10	0	0.00253
597,380	4,140,950	10	0	0.00232
597,390	4,140,950	10	0	0.00214
597,400	4,140,950	10	0	0.00198

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,410	4,140,950	10	0	0.00183
597,420	4,140,950	10	0	0.00171
597,430	4,140,950	10	0	0.00159
597,440	4,140,950	10	0	0.00149
597,450	4,140,950	10.23	0	0.00140
597,460	4,140,950	10.56	0	0.00131
597,470	4,140,950	10.9	0	0.00124
597,480	4,140,950	11	0	0.00117
597,490	4,140,950	11	0	0.00110
597,290	4,140,960	10	0	0.00744
597,300	4,140,960	10	0	0.00606
597,310	4,140,960	10	0	0.00510
597,320	4,140,960	10	0	0.00439
597,330	4,140,960	10	0	0.00384
597,340	4,140,960	10	0	0.00341
597,350	4,140,960	10	0	0.00306
597,360	4,140,960	10	0	0.00277
597,370	4,140,960	10	0	0.00252
597,380	4,140,960	10	0	0.00231
597,390	4,140,960	10	0	0.00213
597,400	4,140,960	10	0	0.00196
597,410	4,140,960	10	0	0.00182
597,420	4,140,960	10	0	0.00170
597,430	4,140,960	10	0	0.00158
597,440	4,140,960	10	0	0.00148
597,450	4,140,960	10.23	0	0.00139
597,460	4,140,960	10.56	0	0.00131
597,470	4,140,960	10.9	0	0.00123
597,480	4,140,960	11	0	0.00116
597,490	4,140,960	11	0	0.00109
597,290	4,140,970	10	0	0.00734
597,300	4,140,970	10	0	0.00599
597,310	4,140,970	10	0	0.00505
597,320	4,140,970	10	0	0.00435
597,330	4,140,970	10	0	0.00382
597,340	4,140,970	10	0	0.00339
597,350	4,140,970	10	0	0.00304
597,360	4,140,970	10	0	0.00275
597,370	4,140,970	10	0	0.00251
597,380	4,140,970	10	0	0.00230
597,390	4,140,970	10	0	0.00211
597,400	4,140,970	10	0	0.00195
597,410	4,140,970	10	0	0.00181
597,420	4,140,970	10	0	0.00169
597,430	4,140,970	10	0	0.00157
597,440	4,140,970	10	0	0.00147
597,450	4,140,970	10.23	0	0.00138
597,460	4,140,970	10.56	0	0.00130
597,470	4,140,970	10.9	0	0.00122
597,480	4,140,970	11	0	0.00115

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,490	4,140,970	11	0	0.00109
597,500	4,140,970	11	0	0.00103
597,290	4,140,980	10	0	0.00724
597,300	4,140,980	10	0	0.00592
597,310	4,140,980	10	0	0.00500
597,320	4,140,980	10	0	0.00432
597,330	4,140,980	10	0	0.00379
597,340	4,140,980	10	0	0.00337
597,350	4,140,980	10	0	0.00302
597,360	4,140,980	10	0	0.00273
597,370	4,140,980	10	0	0.00249
597,380	4,140,980	10	0	0.00228
597,390	4,140,980	10	0	0.00210
597,400	4,140,980	10	0	0.00194
597,410	4,140,980	10	0	0.00180
597,420	4,140,980	10	0	0.00168
597,430	4,140,980	10	0	0.00156
597,440	4,140,980	10	0	0.00146
597,450	4,140,980	10.23	0	0.00137
597,460	4,140,980	10.56	0	0.00129
597,470	4,140,980	10.9	0	0.00121
597,480	4,140,980	11	0	0.00114
597,490	4,140,980	11	0	0.00108
597,500	4,140,980	11	0	0.00102
597,290	4,140,990	10	0	0.00714
597,300	4,140,990	10	0	0.00586
597,310	4,140,990	10	0	0.00495
597,320	4,140,990	10	0	0.00428
597,330	4,140,990	10	0	0.00376
597,340	4,140,990	10	0	0.00334
597,350	4,140,990	10	0	0.00300
597,360	4,140,990	10	0	0.00272
597,370	4,140,990	10	0	0.00248
597,380	4,140,990	10	0	0.00227
597,390	4,140,990	10	0	0.00209
597,400	4,140,990	10	0	0.00193
597,410	4,140,990	10	0	0.00179
597,420	4,140,990	10	0	0.00166
597,430	4,140,990	10	0	0.00155
597,440	4,140,990	10	0	0.00145
597,450	4,140,990	10.23	0	0.00136
597,460	4,140,990	10.56	0	0.00128
597,470	4,140,990	10.9	0	0.00120
597,480	4,140,990	11	0	0.00113
597,490	4,140,990	11	0	0.00107
597,500	4,140,990	11	0	0.00101
597,290	4,141,000	10	0	0.00704
597,300	4,141,000	10	0	0.00579
597,310	4,141,000	10	0	0.00490
597,320	4,141,000	10	0	0.00424

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,330	4,141,000	10	0	0.00373
597,340	4,141,000	10	0	0.00332
597,350	4,141,000	10	0	0.00298
597,360	4,141,000	10	0	0.00270
597,370	4,141,000	10	0	0.00246
597,380	4,141,000	10	0	0.00225
597,390	4,141,000	10	0	0.00207
597,400	4,141,000	10	0	0.00192
597,410	4,141,000	10	0	0.00178
597,420	4,141,000	10	0	0.00165
597,430	4,141,000	10	0	0.00154
597,440	4,141,000	10	0	0.00144
597,450	4,141,000	10.23	0	0.00135
597,460	4,141,000	10.56	0	0.00127
597,470	4,141,000	10.9	0	0.00119
597,480	4,141,000	11	0	0.00112
597,490	4,141,000	11	0	0.00106
597,500	4,141,000	11	0	0.00100
597,290	4,141,010	10	0	0.00695
597,300	4,141,010	10	0	0.00573
597,310	4,141,010	10	0	0.00486
597,320	4,141,010	10	0	0.00421
597,330	4,141,010	10	0	0.00370
597,340	4,141,010	10	0	0.00330
597,350	4,141,010	10	0	0.00296
597,360	4,141,010	10	0	0.00268
597,370	4,141,010	10	0	0.00244
597,380	4,141,010	10	0	0.00224
597,390	4,141,010	10	0	0.00206
597,400	4,141,010	10	0	0.00190
597,410	4,141,010	10	0	0.00176
597,420	4,141,010	10	0	0.00164
597,430	4,141,010	10	0	0.00153
597,440	4,141,010	10	0	0.00143
597,450	4,141,010	10.2	0	0.00134
597,460	4,141,010	10.5	0	0.00126
597,470	4,141,010	10.79	0	0.00118
597,480	4,141,010	10.91	0	0.00111
597,490	4,141,010	10.95	0	0.00105
597,500	4,141,010	10.99	0	0.00099
597,290	4,141,020	10	0	0.00686
597,300	4,141,020	10	0	0.00566
597,310	4,141,020	10	0	0.00481
597,320	4,141,020	10	0	0.00418
597,330	4,141,020	10	0	0.00368
597,340	4,141,020	10	0	0.00327
597,350	4,141,020	10	0	0.00294
597,360	4,141,020	10	0	0.00267
597,370	4,141,020	10	0	0.00243
597,380	4,141,020	10	0	0.00222

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,390	4,141,020	10	0	0.00205
597,400	4,141,020	10	0	0.00189
597,410	4,141,020	10	0	0.00175
597,420	4,141,020	10	0	0.00163
597,430	4,141,020	10	0	0.00152
597,440	4,141,020	10	0	0.00142
597,450	4,141,020	10.13	0	0.00133
597,460	4,141,020	10.31	0	0.00124
597,470	4,141,020	10.49	0	0.00117
597,480	4,141,020	10.65	0	0.00110
597,490	4,141,020	10.8	0	0.00104
597,500	4,141,020	10.95	0	0.00098
597,280	4,141,030	10	0	0.00852
597,290	4,141,030	10	0	0.00677
597,300	4,141,030	10	0	0.00561
597,310	4,141,030	10	0	0.00477
597,320	4,141,030	10	0	0.00414
597,330	4,141,030	10	0	0.00365
597,340	4,141,030	10	0	0.00325
597,350	4,141,030	10	0	0.00292
597,360	4,141,030	10	0	0.00265
597,370	4,141,030	10	0	0.00241
597,380	4,141,030	10	0	0.00221
597,390	4,141,030	10	0	0.00203
597,400	4,141,030	10	0	0.00187
597,410	4,141,030	10	0	0.00174
597,420	4,141,030	10	0	0.00161
597,430	4,141,030	10	0	0.00150
597,440	4,141,030	10	0	0.00140
597,450	4,141,030	10.05	0	0.00131
597,460	4,141,030	10.12	0	0.00123
597,470	4,141,030	10.19	0	0.00116
597,480	4,141,030	10.4	0	0.00109
597,490	4,141,030	10.66	0	0.00103
597,500	4,141,030	10.92	0	0.00097
597,280	4,141,040	10	0	0.00839
597,290	4,141,040	10	0	0.00669
597,300	4,141,040	10	0	0.00555
597,310	4,141,040	10	0	0.00473
597,320	4,141,040	10	0	0.00411
597,330	4,141,040	10	0	0.00362
597,340	4,141,040	10	0	0.00323
597,350	4,141,040	10	0	0.00290
597,360	4,141,040	10	0	0.00263
597,370	4,141,040	10	0	0.00239
597,380	4,141,040	10	0	0.00219
597,390	4,141,040	10	0	0.00201
597,400	4,141,040	10	0	0.00186
597,410	4,141,040	10	0	0.00172
597,420	4,141,040	10	0	0.00160

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,430	4,141,040	10	0	0.00149
597,440	4,141,040	10	0	0.00139
597,450	4,141,040	10	0	0.00130
597,460	4,141,040	10	0	0.00122
597,470	4,141,040	10	0	0.00114
597,480	4,141,040	10.23	0	0.00108
597,490	4,141,040	10.56	0	0.00101
597,500	4,141,040	10.9	0	0.00096
597,280	4,141,050	10	0	0.00826
597,290	4,141,050	10	0	0.00661
597,300	4,141,050	10	0	0.00550
597,310	4,141,050	10	0	0.00469
597,320	4,141,050	10	0	0.00408
597,330	4,141,050	10	0	0.00360
597,340	4,141,050	10	0	0.00321
597,350	4,141,050	10	0	0.00288
597,360	4,141,050	10	0	0.00261
597,370	4,141,050	10	0	0.00237
597,380	4,141,050	10	0	0.00217
597,390	4,141,050	10	0	0.00200
597,400	4,141,050	10	0	0.00184
597,410	4,141,050	10	0	0.00170
597,420	4,141,050	10	0	0.00158
597,430	4,141,050	10	0	0.00147
597,440	4,141,050	10	0	0.00137
597,450	4,141,050	10	0	0.00128
597,460	4,141,050	10	0	0.00120
597,470	4,141,050	10	0	0.00113
597,480	4,141,050	10.23	0	0.00106
597,490	4,141,050	10.56	0	0.00100
597,500	4,141,050	10.9	0	0.00094
597,280	4,141,060	10	0	0.00814
597,290	4,141,060	10	0	0.00654
597,300	4,141,060	10	0	0.00545
597,310	4,141,060	10	0	0.00465
597,320	4,141,060	10	0	0.00405
597,330	4,141,060	10	0	0.00357
597,340	4,141,060	10	0	0.00318
597,350	4,141,060	10	0	0.00286
597,360	4,141,060	10	0	0.00259
597,370	4,141,060	10	0	0.00235
597,380	4,141,060	10	0	0.00215
597,390	4,141,060	10	0	0.00198
597,400	4,141,060	10	0	0.00182
597,410	4,141,060	10	0	0.00169
597,420	4,141,060	10	0	0.00156
597,430	4,141,060	10	0	0.00145
597,440	4,141,060	10	0	0.00136
597,450	4,141,060	10	0	0.00127
597,460	4,141,060	10	0	0.00119

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,470	4,141,060	10	0	0.00112
597,480	4,141,060	10.23	0	0.00105
597,490	4,141,060	10.56	0	0.00099
597,500	4,141,060	10.9	0	0.00093
597,280	4,141,070	10	0	0.00803
597,290	4,141,070	10	0	0.00647
597,300	4,141,070	10	0	0.00540
597,310	4,141,070	10	0	0.00462
597,320	4,141,070	10	0	0.00402
597,330	4,141,070	10	0	0.00354
597,340	4,141,070	10	0	0.00316
597,350	4,141,070	10	0	0.00283
597,360	4,141,070	10	0	0.00256
597,370	4,141,070	10	0	0.00233
597,380	4,141,070	10	0	0.00213
597,390	4,141,070	10	0	0.00196
597,400	4,141,070	10	0	0.00180
597,410	4,141,070	10	0	0.00167
597,420	4,141,070	10	0	0.00155
597,430	4,141,070	10	0	0.00144
597,440	4,141,070	10	0	0.00134
597,450	4,141,070	10	0	0.00125
597,460	4,141,070	10	0	0.00117
597,470	4,141,070	10	0	0.00110
597,480	4,141,070	10.23	0	0.00103
597,490	4,141,070	10.56	0	0.00097
597,500	4,141,070	10.9	0	0.00092
597,280	4,141,080	10	0	0.00793
597,290	4,141,080	10	0	0.00641
597,300	4,141,080	10	0	0.00536
597,310	4,141,080	10	0	0.00458
597,320	4,141,080	10	0	0.00399
597,330	4,141,080	10	0	0.00351
597,340	4,141,080	10	0	0.00313
597,350	4,141,080	10	0	0.00281
597,360	4,141,080	10	0	0.00254
597,370	4,141,080	10	0	0.00231
597,380	4,141,080	10	0	0.00211
597,390	4,141,080	10	0	0.00193
597,400	4,141,080	10	0	0.00178
597,410	4,141,080	10	0	0.00165
597,420	4,141,080	10	0	0.00153
597,430	4,141,080	10	0	0.00142
597,440	4,141,080	10	0	0.00132
597,450	4,141,080	10	0	0.00123
597,460	4,141,080	10	0	0.00116
597,470	4,141,080	10	0	0.00108
597,480	4,141,080	10.23	0	0.00102
597,490	4,141,080	10.56	0	0.00096
597,500	4,141,080	10.9	0	0.00090

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,280	4,141,090	10	0	0.00784
597,290	4,141,090	10	0	0.00635
597,300	4,141,090	10	0	0.00531
597,310	4,141,090	10	0	0.00455
597,320	4,141,090	10	0	0.00396
597,330	4,141,090	10	0	0.00348
597,340	4,141,090	10	0	0.00310
597,350	4,141,090	10	0	0.00278
597,360	4,141,090	10	0	0.00251
597,370	4,141,090	10	0	0.00228
597,380	4,141,090	10	0	0.00208
597,390	4,141,090	10	0	0.00191
597,400	4,141,090	10	0	0.00176
597,410	4,141,090	10	0	0.00162
597,420	4,141,090	10	0	0.00150
597,430	4,141,090	10	0	0.00140
597,440	4,141,090	10	0	0.00130
597,450	4,141,090	10	0	0.00122
597,460	4,141,090	10	0	0.00114
597,470	4,141,090	10	0	0.00107
597,480	4,141,090	10.23	0	0.00100
597,490	4,141,090	10.56	0	0.00094
597,500	4,141,090	10.9	0	0.00089
597,280	4,141,100	10	0	0.00777
597,290	4,141,100	10	0	0.00630
597,300	4,141,100	10	0	0.00527
597,310	4,141,100	10	0	0.00451
597,320	4,141,100	10	0	0.00392
597,330	4,141,100	10	0	0.00345
597,340	4,141,100	10	0	0.00307
597,350	4,141,100	10	0	0.00275
597,360	4,141,100	10	0	0.00248
597,370	4,141,100	10	0	0.00225
597,380	4,141,100	10	0	0.00206
597,390	4,141,100	10	0	0.00188
597,400	4,141,100	10	0	0.00173
597,410	4,141,100	10	0	0.00160
597,420	4,141,100	10	0	0.00148
597,430	4,141,100	10	0	0.00138
597,440	4,141,100	10	0	0.00128
597,450	4,141,100	10	0	0.00120
597,460	4,141,100	10	0	0.00112
597,470	4,141,100	10	0	0.00105
597,480	4,141,100	10.23	0	0.00099
597,490	4,141,100	10.56	0	0.00093
597,500	4,141,100	10.9	0	0.00088
597,510	4,141,100	11	0	0.00083
597,280	4,141,110	10	0	0.00771
597,290	4,141,110	10	0	0.00626
597,300	4,141,110	10	0	0.00523

Table IV

**DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California**

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,310	4,141,110	10	0	0.00447
597,320	4,141,110	10	0	0.00388
597,330	4,141,110	10	0	0.00341
597,340	4,141,110	10	0	0.00303
597,350	4,141,110	10	0	0.00271
597,360	4,141,110	10	0	0.00245
597,370	4,141,110	10	0	0.00222
597,380	4,141,110	10	0	0.00203
597,390	4,141,110	10	0	0.00186
597,400	4,141,110	10	0	0.00171
597,410	4,141,110	10	0	0.00158
597,420	4,141,110	10	0	0.00146
597,430	4,141,110	10	0	0.00136
597,440	4,141,110	10	0	0.00126
597,450	4,141,110	10	0	0.00118
597,460	4,141,110	10	0	0.00110
597,470	4,141,110	10	0	0.00103
597,480	4,141,110	10.23	0	0.00097
597,490	4,141,110	10.56	0	0.00091
597,500	4,141,110	10.9	0	0.00086
597,510	4,141,110	11	0	0.00081
597,280	4,141,120	10	0	0.00767
597,290	4,141,120	10	0	0.00620
597,300	4,141,120	10	0	0.00517
597,310	4,141,120	10	0	0.00441
597,320	4,141,120	10	0	0.00383
597,330	4,141,120	10	0	0.00336
597,340	4,141,120	10	0	0.00299
597,350	4,141,120	10	0	0.00267
597,360	4,141,120	10	0	0.00241
597,370	4,141,120	10	0	0.00219
597,380	4,141,120	10	0	0.00200
597,390	4,141,120	10	0	0.00183
597,400	4,141,120	10	0	0.00168
597,410	4,141,120	10	0	0.00155
597,420	4,141,120	10	0	0.00144
597,430	4,141,120	10	0	0.00133
597,440	4,141,120	10	0	0.00124
597,450	4,141,120	10	0	0.00116
597,460	4,141,120	10	0	0.00108
597,470	4,141,120	10	0	0.00101
597,480	4,141,120	10.23	0	0.00095
597,490	4,141,120	10.56	0	0.00090
597,500	4,141,120	10.9	0	0.00085
597,510	4,141,120	11	0	0.00080
597,280	4,141,130	10	0	0.00760
597,290	4,141,130	10	0	0.00612
597,300	4,141,130	10	0	0.00510
597,310	4,141,130	10	0	0.00434
597,320	4,141,130	10	0	0.00377

Table IV

**DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California**

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,330	4,141,130	10	0	0.00331
597,340	4,141,130	10	0	0.00294
597,350	4,141,130	10	0	0.00263
597,360	4,141,130	10	0	0.00237
597,370	4,141,130	10	0	0.00215
597,380	4,141,130	10	0	0.00196
597,390	4,141,130	10	0	0.00180
597,400	4,141,130	10	0	0.00165
597,410	4,141,130	10	0	0.00152
597,420	4,141,130	10	0	0.00141
597,430	4,141,130	10	0	0.00131
597,440	4,141,130	10	0	0.00122
597,450	4,141,130	10	0	0.00114
597,460	4,141,130	10	0	0.00106
597,470	4,141,130	10	0	0.00100
597,480	4,141,130	10.23	0	0.00093
597,490	4,141,130	10.56	0	0.00088
597,500	4,141,130	10.9	0	0.00083
597,510	4,141,130	11	0	0.00078
597,280	4,141,140	10	0	0.00746
597,290	4,141,140	10	0	0.00600
597,300	4,141,140	10	0	0.00500
597,310	4,141,140	10	0	0.00427
597,320	4,141,140	10	0	0.00370
597,330	4,141,140	10	0	0.00326
597,340	4,141,140	10	0	0.00289
597,350	4,141,140	10	0	0.00259
597,360	4,141,140	10	0	0.00233
597,370	4,141,140	10	0	0.00212
597,380	4,141,140	10	0	0.00193
597,390	4,141,140	10	0	0.00177
597,400	4,141,140	10	0	0.00162
597,410	4,141,140	10	0	0.00150
597,420	4,141,140	10	0	0.00138
597,430	4,141,140	10	0	0.00128
597,440	4,141,140	10	0	0.00119
597,450	4,141,140	10	0	0.00111
597,460	4,141,140	10	0	0.00104
597,470	4,141,140	10	0	0.00098
597,480	4,141,140	10.23	0	0.00092
597,490	4,141,140	10.56	0	0.00086
597,500	4,141,140	10.9	0	0.00081
597,280	4,141,150	10	0	0.00725
597,290	4,141,150	10	0	0.00586
597,300	4,141,150	10	0	0.00490
597,310	4,141,150	10	0	0.00419
597,320	4,141,150	10	0	0.00364
597,330	4,141,150	10	0	0.00320
597,340	4,141,150	10	0	0.00284
597,350	4,141,150	10	0	0.00254

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,360	4,141,150	10	0	0.00229
597,370	4,141,150	10	0	0.00208
597,380	4,141,150	10	0	0.00189
597,390	4,141,150	10	0	0.00173
597,400	4,141,150	10	0	0.00159
597,410	4,141,150	10	0	0.00147
597,420	4,141,150	10	0	0.00136
597,430	4,141,150	10	0	0.00126
597,440	4,141,150	10	0	0.00117
597,450	4,141,150	10	0	0.00109
597,460	4,141,150	10	0	0.00102
597,470	4,141,150	10	0	0.00096
597,480	4,141,150	10.23	0	0.00090
597,280	4,141,160	9.88	0	0.00701
597,290	4,141,160	9.88	0	0.00571
597,300	4,141,160	9.91	0	0.00479
597,310	4,141,160	9.95	0	0.00410
597,320	4,141,160	9.99	0	0.00356
597,330	4,141,160	10	0	0.00314
597,340	4,141,160	10	0	0.00279
597,350	4,141,160	10	0	0.00249
597,360	4,141,160	10	0	0.00225
597,370	4,141,160	10	0	0.00204
597,380	4,141,160	10	0	0.00185
597,390	4,141,160	10	0	0.00170
597,400	4,141,160	10	0	0.00156
597,410	4,141,160	10	0	0.00143
597,420	4,141,160	10	0	0.00133
597,430	4,141,160	10	0	0.00123
597,440	4,141,160	10	0	0.00114
597,450	4,141,160	10.03	0	0.00107
597,460	4,141,160	10.07	0	0.00100
597,270	4,141,170	9.55	0	0.00869
597,280	4,141,170	9.55	0	0.00681
597,290	4,141,170	9.55	0	0.00557
597,300	4,141,170	9.65	0	0.00468
597,310	4,141,170	9.8	0	0.00401
597,320	4,141,170	9.95	0	0.00349
597,330	4,141,170	10	0	0.00307
597,340	4,141,170	10	0	0.00273
597,350	4,141,170	10	0	0.00244
597,360	4,141,170	10	0	0.00220
597,370	4,141,170	10	0	0.00199
597,380	4,141,170	10	0	0.00181
597,390	4,141,170	10	0	0.00166
597,400	4,141,170	10	0	0.00152
597,410	4,141,170	10	0	0.00140
597,420	4,141,170	10	0	0.00130
597,430	4,141,170	10	0	0.00120
597,440	4,141,170	10	0	0.00112

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,270	4,141,180	9.22	0	0.00840
597,280	4,141,180	9.22	0	0.00663
597,290	4,141,180	9.22	0	0.00544
597,300	4,141,180	9.4	0	0.00458
597,310	4,141,180	9.66	0	0.00393
597,320	4,141,180	9.92	0	0.00342
597,330	4,141,180	10	0	0.00301
597,340	4,141,180	10	0	0.00267
597,350	4,141,180	10	0	0.00239
597,360	4,141,180	10	0	0.00215
597,370	4,141,180	10	0	0.00195
597,380	4,141,180	10	0	0.00177
597,390	4,141,180	10	0	0.00162
597,400	4,141,180	10	0	0.00149
597,410	4,141,180	10	0	0.00137
597,420	4,141,180	10	0	0.00127
597,430	4,141,180	10	0	0.00117
597,270	4,141,190	9	0	0.00815
597,280	4,141,190	9	0	0.00646
597,290	4,141,190	9	0	0.00531
597,300	4,141,190	9.2	0	0.00448
597,310	4,141,190	9.5	0	0.00384
597,320	4,141,190	9.79	0	0.00334
597,330	4,141,190	9.91	0	0.00294
597,340	4,141,190	9.95	0	0.00261
597,350	4,141,190	9.99	0	0.00233
597,360	4,141,190	10	0	0.00210
597,370	4,141,190	10	0	0.00190
597,380	4,141,190	10	0	0.00173
597,390	4,141,190	10	0	0.00158
597,400	4,141,190	10	0	0.00145
597,410	4,141,190	10	0	0.00133
597,270	4,141,200	9	0	0.00791
597,280	4,141,200	9	0	0.00630
597,290	4,141,200	9	0	0.00519
597,300	4,141,200	9.13	0	0.00437
597,310	4,141,200	9.31	0	0.00375
597,320	4,141,200	9.49	0	0.00326
597,330	4,141,200	9.65	0	0.00287
597,340	4,141,200	9.8	0	0.00254
597,350	4,141,200	9.95	0	0.00227
597,360	4,141,200	10	0	0.00204
597,370	4,141,200	10	0	0.00185
597,380	4,141,200	10	0	0.00168
597,390	4,141,200	10	0	0.00154
597,270	4,141,210	9	0	0.00769
597,280	4,141,210	9	0	0.00614
597,290	4,141,210	9	0	0.00505
597,300	4,141,210	9.05	0	0.00426
597,310	4,141,210	9.12	0	0.00365

Table IV
DPM Concentrations at Receptor Locations
McCandless Drive Properties
Milpitas, California

UTM X coord (m)	UTM Y coord (m)	Elevation (m)	Flagpole Height (ft)	Average Conc. ($\mu\text{g}/\text{m}^3$)
597,320	4,141,210	9.19	0	0.00317
597,330	4,141,210	9.4	0	0.00279
597,340	4,141,210	9.66	0	0.00247
597,350	4,141,210	9.92	0	0.00221
597,360	4,141,210	10	0	0.00199
597,370	4,141,210	10	0	0.00180
597,270	4,141,220	9	0	0.00748
597,280	4,141,220	9	0	0.00596
597,290	4,141,220	9	0	0.00491
597,300	4,141,220	9	0	0.00413
597,310	4,141,220	9	0	0.00354
597,320	4,141,220	9	0	0.00308
597,330	4,141,220	9.23	0	0.00270
597,340	4,141,220	9.56	0	0.00240
597,350	4,141,220	9.9	0	0.00214
597,360	4,141,220	10	0	0.00193
597,270	4,141,230	9	0	0.00723
597,280	4,141,230	9	0	0.00576
597,290	4,141,230	9	0	0.00474
597,300	4,141,230	9	0	0.00400
597,310	4,141,230	9	0	0.00343
597,320	4,141,230	9	0	0.00298
597,330	4,141,230	9.23	0	0.00262
597,340	4,141,230	9.56	0	0.00232
597,270	4,141,240	9	0	0.00693
597,280	4,141,240	9	0	0.00553
597,290	4,141,240	9	0	0.00457
597,300	4,141,240	9	0	0.00386
597,310	4,141,240	9	0	0.00331
597,320	4,141,240	9	0	0.00288
597,270	4,141,250	9	0	0.00659
597,280	4,141,250	9	0	0.00529
597,290	4,141,250	9	0	0.00438

Table V
Risk Assessment Parameters for Railway
McCandless Drive Properties
Milpitas, California

Exposure Parameter	70 Year Resident	Units
Daily Breaking Rate (DBR) ¹	302	L/kg-day
Exposure Frequency (EF) ¹	350	days/year
Exposure Duration (ED) ¹	70	years
Averaging Time (AT) ¹	25550	days
Age Sensitivity Factor (ASF) ¹	1.7	
Cancer Potency (CP) ²	1.1	(mg/kg-day) ⁻¹

Footnotes:

¹BAAQMD. 2010. Air Toxics NSR Program Health Risk Screening Analysis Guidelines, pp. 2 - 3.

²Cal/EPA. 2011. OEHHA/ARB Consolidated Table of Approved Risk Assessment Health Values.

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,440	4,140,720	0.85	2.74	3.59
597,450	4,140,720	0.80	2.72	3.52
597,460	4,140,720	0.75	2.70	3.45
597,470	4,140,720	0.70	2.69	3.39
597,320	4,140,730	2.88	3.07	5.95
597,330	4,140,730	2.44	3.04	5.48
597,340	4,140,730	2.12	3.00	5.12
597,350	4,140,730	1.87	2.97	4.84
597,360	4,140,730	1.66	2.94	4.60
597,370	4,140,730	1.50	2.91	4.41
597,380	4,140,730	1.36	2.89	4.25
597,390	4,140,730	1.25	2.87	4.11
597,400	4,140,730	1.14	2.85	3.99
597,410	4,140,730	1.06	2.83	3.89
597,420	4,140,730	0.98	2.81	3.79
597,430	4,140,730	0.91	2.79	3.70
597,440	4,140,730	0.85	2.77	3.62
597,450	4,140,730	0.80	2.75	3.55
597,460	4,140,730	0.75	2.73	3.49
597,470	4,140,730	0.71	2.72	3.43
597,480	4,140,730	0.67	2.70	3.36
597,300	4,140,740	4.34	3.36	7.70
597,310	4,140,740	3.45	3.23	6.68
597,320	4,140,740	2.86	3.10	5.96
597,330	4,140,740	2.43	3.05	5.49
597,340	4,140,740	2.11	3.02	5.13
597,350	4,140,740	1.86	2.99	4.85
597,360	4,140,740	1.66	2.97	4.63
597,370	4,140,740	1.49	2.95	4.44
597,380	4,140,740	1.36	2.93	4.29
597,390	4,140,740	1.24	2.91	4.15
597,400	4,140,740	1.14	2.89	4.03
597,410	4,140,740	1.06	2.87	3.93
597,420	4,140,740	0.98	2.85	3.83
597,430	4,140,740	0.92	2.83	3.75
597,440	4,140,740	0.86	2.81	3.67
597,450	4,140,740	0.80	2.79	3.59
597,460	4,140,740	0.75	2.77	3.53
597,470	4,140,740	0.71	2.76	3.46
597,480	4,140,740	0.67	2.74	3.40
597,300	4,140,750	4.28	3.39	7.68

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,310	4,140,750	3.42	3.27	6.69
597,320	4,140,750	2.83	3.14	5.97
597,330	4,140,750	2.42	3.07	5.49
597,340	4,140,750	2.10	3.04	5.14
597,350	4,140,750	1.85	3.02	4.88
597,360	4,140,750	1.66	3.00	4.66
597,370	4,140,750	1.49	2.99	4.48
597,380	4,140,750	1.36	2.97	4.33
597,390	4,140,750	1.24	2.95	4.19
597,400	4,140,750	1.14	2.93	4.07
597,410	4,140,750	1.06	2.91	3.97
597,420	4,140,750	0.98	2.89	3.87
597,430	4,140,750	0.92	2.87	3.79
597,440	4,140,750	0.86	2.85	3.71
597,450	4,140,750	0.80	2.83	3.63
597,460	4,140,750	0.75	2.81	3.57
597,470	4,140,750	0.71	2.79	3.50
597,480	4,140,750	0.67	2.78	3.45
597,300	4,140,760	4.22	3.43	7.65
597,310	4,140,760	3.38	3.30	6.68
597,320	4,140,760	2.81	3.18	5.99
597,330	4,140,760	2.40	3.10	5.50
597,340	4,140,760	2.09	3.08	5.17
597,350	4,140,760	1.85	3.06	4.91
597,360	4,140,760	1.65	3.04	4.70
597,370	4,140,760	1.49	3.03	4.51
597,380	4,140,760	1.35	3.01	4.36
597,390	4,140,760	1.24	2.99	4.23
597,400	4,140,760	1.14	2.97	4.11
597,410	4,140,760	1.06	2.95	4.01
597,420	4,140,760	0.98	2.93	3.91
597,430	4,140,760	0.92	2.91	3.83
597,440	4,140,760	0.86	2.89	3.75
597,450	4,140,760	0.80	2.87	3.67
597,460	4,140,760	0.75	2.85	3.61
597,470	4,140,760	0.71	2.83	3.54
597,480	4,140,760	0.67	2.82	3.49
597,300	4,140,770	4.16	3.45	7.62
597,310	4,140,770	3.35	3.34	6.68
597,320	4,140,770	2.79	3.22	6.01
597,330	4,140,770	2.38	3.14	5.52

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,340	4,140,770	2.08	3.12	5.20
597,350	4,140,770	1.84	3.10	4.93
597,360	4,140,770	1.65	3.08	4.73
597,370	4,140,770	1.48	3.06	4.55
597,380	4,140,770	1.35	3.04	4.40
597,390	4,140,770	1.24	3.02	4.26
597,400	4,140,770	1.14	3.01	4.14
597,410	4,140,770	1.06	2.99	4.04
597,420	4,140,770	0.98	2.97	3.95
597,430	4,140,770	0.92	2.95	3.86
597,440	4,140,770	0.86	2.93	3.79
597,450	4,140,770	0.80	2.91	3.71
597,460	4,140,770	0.75	2.89	3.64
597,470	4,140,770	0.71	2.87	3.58
597,480	4,140,770	0.67	2.85	3.52
597,300	4,140,780	4.10	3.50	7.60
597,310	4,140,780	3.31	3.38	6.69
597,320	4,140,780	2.77	3.27	6.03
597,330	4,140,780	2.37	3.01	5.38
597,340	4,140,780	2.07	3.15	5.22
597,350	4,140,780	1.83	3.13	4.97
597,360	4,140,780	1.64	3.12	4.76
597,370	4,140,780	1.48	3.10	4.58
597,380	4,140,780	1.35	3.08	4.43
597,390	4,140,780	1.23	3.06	4.29
597,400	4,140,780	1.14	3.04	4.18
597,410	4,140,780	1.05	3.02	4.07
597,420	4,140,780	0.98	3.00	3.98
597,430	4,140,780	0.91	2.98	3.89
597,440	4,140,780	0.86	2.97	3.82
597,450	4,140,780	0.80	2.94	3.75
597,460	4,140,780	0.75	2.92	3.68
597,470	4,140,780	0.71	2.91	3.62
597,480	4,140,780	0.67	2.89	3.56
597,300	4,140,790	4.05	3.55	7.60
597,310	4,140,790	3.28	3.44	6.72
597,320	4,140,790	2.74	3.32	6.06
597,330	4,140,790	2.36	3.01	5.37
597,340	4,140,790	2.06	3.19	5.25
597,350	4,140,790	1.82	3.17	4.99
597,360	4,140,790	1.63	3.16	4.79

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,370	4,140,790	1.48	3.14	4.62
597,380	4,140,790	1.34	3.12	4.46
597,390	4,140,790	1.23	3.10	4.33
597,400	4,140,790	1.14	3.08	4.22
597,410	4,140,790	1.05	3.06	4.11
597,420	4,140,790	0.97	3.04	4.02
597,430	4,140,790	0.91	3.02	3.93
597,440	4,140,790	0.85	3.01	3.86
597,450	4,140,790	0.80	2.98	3.78
597,460	4,140,790	0.75	2.96	3.72
597,470	4,140,790	0.71	2.95	3.66
597,480	4,140,790	0.67	2.93	3.60
597,300	4,140,800	4.00	3.60	7.60
597,310	4,140,800	3.24	3.49	6.72
597,320	4,140,800	2.72	3.37	6.09
597,330	4,140,800	2.34	3.01	5.35
597,340	4,140,800	2.05	3.23	5.28
597,350	4,140,800	1.81	3.21	5.02
597,360	4,140,800	1.62	3.19	4.82
597,370	4,140,800	1.47	3.17	4.65
597,380	4,140,800	1.34	3.15	4.50
597,390	4,140,800	1.23	3.14	4.36
597,400	4,140,800	1.13	3.12	4.25
597,410	4,140,800	1.05	3.10	4.15
597,420	4,140,800	0.97	3.08	4.05
597,430	4,140,800	0.91	3.06	3.97
597,440	4,140,800	0.85	3.04	3.89
597,450	4,140,800	0.80	3.02	3.82
597,460	4,140,800	0.75	3.00	3.75
597,470	4,140,800	0.71	2.98	3.69
597,480	4,140,800	0.67	2.96	3.63
597,300	4,140,810	3.94	3.66	7.60
597,310	4,140,810	3.21	3.54	6.75
597,320	4,140,810	2.70	3.43	6.13
597,330	4,140,810	2.32	3.03	5.35
597,340	4,140,810	2.03	3.27	5.30
597,350	4,140,810	1.80	3.25	5.05
597,360	4,140,810	1.62	3.23	4.85
597,370	4,140,810	1.47	3.21	4.68
597,380	4,140,810	1.34	3.19	4.53
597,390	4,140,810	1.22	3.17	4.40

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,400	4,140,810	1.13	3.16	4.29
597,410	4,140,810	1.05	3.14	4.18
597,420	4,140,810	0.97	3.12	4.09
597,430	4,140,810	0.91	3.10	4.01
597,440	4,140,810	0.85	3.08	3.93
597,450	4,140,810	0.80	3.06	3.85
597,460	4,140,810	0.75	3.04	3.79
597,470	4,140,810	0.71	3.02	3.73
597,480	4,140,810	0.67	3.00	3.67
597,300	4,140,820	3.89	3.70	7.59
597,310	4,140,820	3.17	3.59	6.76
597,320	4,140,820	2.68	3.47	6.15
597,330	4,140,820	2.31	3.03	5.34
597,340	4,140,820	2.02	3.30	5.32
597,350	4,140,820	1.80	3.29	5.08
597,360	4,140,820	1.61	3.27	4.88
597,370	4,140,820	1.46	3.25	4.71
597,380	4,140,820	1.33	3.23	4.56
597,390	4,140,820	1.22	3.21	4.43
597,400	4,140,820	1.13	3.19	4.32
597,410	4,140,820	1.05	3.17	4.22
597,420	4,140,820	0.97	3.15	4.12
597,430	4,140,820	0.90	3.14	4.04
597,440	4,140,820	0.85	3.12	3.97
597,450	4,140,820	0.80	3.09	3.89
597,460	4,140,820	0.75	3.08	3.82
597,470	4,140,820	0.70	3.06	3.76
597,480	4,140,820	0.67	3.04	3.70
597,300	4,140,830	3.84	3.75	7.59
597,310	4,140,830	3.14	3.63	6.78
597,320	4,140,830	2.65	3.52	6.17
597,330	4,140,830	2.29	3.03	5.33
597,340	4,140,830	2.01	3.34	5.35
597,350	4,140,830	1.79	3.32	5.11
597,360	4,140,830	1.60	3.30	4.91
597,370	4,140,830	1.46	3.28	4.74
597,380	4,140,830	1.33	3.27	4.59
597,390	4,140,830	1.22	3.25	4.46
597,400	4,140,830	1.13	3.23	4.35
597,410	4,140,830	1.04	3.21	4.25
597,420	4,140,830	0.97	3.19	4.16

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,430	4,140,830	0.90	3.17	4.08
597,440	4,140,830	0.84	3.15	4.00
597,450	4,140,830	0.80	3.13	3.93
597,460	4,140,830	0.75	3.11	3.86
597,470	4,140,830	0.70	3.09	3.80
597,480	4,140,830	0.67	3.07	3.74
597,300	4,140,840	3.79	3.79	7.58
597,310	4,140,840	3.11	3.68	6.79
597,320	4,140,840	2.63	3.56	6.20
597,330	4,140,840	2.27	3.04	5.31
597,340	4,140,840	2.00	3.38	5.37
597,350	4,140,840	1.78	3.36	5.13
597,360	4,140,840	1.60	3.34	4.94
597,370	4,140,840	1.45	3.32	4.77
597,380	4,140,840	1.32	3.30	4.62
597,390	4,140,840	1.21	3.28	4.50
597,400	4,140,840	1.12	3.26	4.38
597,410	4,140,840	1.04	3.24	4.28
597,420	4,140,840	0.96	3.23	4.19
597,430	4,140,840	0.90	3.21	4.11
597,440	4,140,840	0.84	3.19	4.03
597,450	4,140,840	0.79	3.17	3.96
597,460	4,140,840	0.75	3.15	3.89
597,470	4,140,840	0.70	3.13	3.83
597,480	4,140,840	0.67	3.11	3.78
597,300	4,140,850	3.74	3.84	7.58
597,310	4,140,850	3.08	3.73	6.81
597,320	4,140,850	2.61	3.61	6.22
597,330	4,140,850	2.26	3.04	5.30
597,340	4,140,850	1.99	3.41	5.40
597,350	4,140,850	1.77	3.39	5.16
597,360	4,140,850	1.59	3.37	4.97
597,370	4,140,850	1.44	3.36	4.80
597,380	4,140,850	1.32	3.34	4.65
597,390	4,140,850	1.21	3.32	4.53
597,400	4,140,850	1.12	3.30	4.41
597,410	4,140,850	1.03	3.28	4.31
597,420	4,140,850	0.96	3.26	4.23
597,430	4,140,850	0.90	3.24	4.14
597,440	4,140,850	0.84	3.22	4.07
597,450	4,140,850	0.79	3.20	3.99

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,460	4,140,850	0.74	3.18	3.92
597,470	4,140,850	0.70	3.16	3.86
597,480	4,140,850	0.66	3.15	3.81
597,490	4,140,850	0.63	3.13	3.75
597,300	4,140,860	3.70	3.88	7.58
597,310	4,140,860	3.05	3.77	6.82
597,320	4,140,860	2.59	3.65	6.24
597,330	4,140,860	2.24	3.04	5.28
597,340	4,140,860	1.97	3.45	5.42
597,350	4,140,860	1.76	3.43	5.19
597,360	4,140,860	1.58	3.41	4.99
597,370	4,140,860	1.44	3.39	4.83
597,380	4,140,860	1.31	3.37	4.68
597,390	4,140,860	1.21	3.35	4.56
597,400	4,140,860	1.12	3.33	4.45
597,410	4,140,860	1.03	3.32	4.35
597,420	4,140,860	0.96	3.30	4.26
597,430	4,140,860	0.90	3.28	4.18
597,440	4,140,860	0.84	3.26	4.10
597,450	4,140,860	0.79	3.24	4.03
597,460	4,140,860	0.74	3.22	3.96
597,470	4,140,860	0.70	3.20	3.90
597,480	4,140,860	0.66	3.18	3.84
597,490	4,140,860	0.62	3.16	3.79
597,300	4,140,870	3.66	3.94	7.60
597,310	4,140,870	3.02	3.83	6.85
597,320	4,140,870	2.57	3.71	6.28
597,330	4,140,870	2.23	3.06	5.28
597,340	4,140,870	1.96	3.49	5.45
597,350	4,140,870	1.75	3.47	5.22
597,360	4,140,870	1.58	3.45	5.03
597,370	4,140,870	1.43	3.43	4.86
597,380	4,140,870	1.31	3.41	4.72
597,390	4,140,870	1.20	3.39	4.60
597,400	4,140,870	1.11	3.37	4.48
597,410	4,140,870	1.03	3.36	4.38
597,420	4,140,870	0.96	3.34	4.30
597,430	4,140,870	0.89	3.32	4.21
597,440	4,140,870	0.84	3.30	4.14
597,450	4,140,870	0.79	3.28	4.06
597,460	4,140,870	0.74	3.26	3.99

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,470	4,140,870	0.70	3.24	3.94
597,480	4,140,870	0.66	3.22	3.88
597,490	4,140,870	0.62	3.20	3.82
597,290	4,140,880	4.54	4.10	8.64
597,300	4,140,880	3.61	3.99	7.60
597,310	4,140,880	2.99	3.87	6.86
597,320	4,140,880	2.55	3.76	6.30
597,330	4,140,880	2.21	3.06	5.27
597,340	4,140,880	1.95	3.53	5.48
597,350	4,140,880	1.74	3.50	5.24
597,360	4,140,880	1.57	3.49	5.05
597,370	4,140,880	1.42	3.47	4.89
597,380	4,140,880	1.30	3.45	4.75
597,390	4,140,880	1.20	3.43	4.63
597,400	4,140,880	1.10	3.41	4.51
597,410	4,140,880	1.02	3.39	4.41
597,420	4,140,880	0.95	3.37	4.33
597,430	4,140,880	0.89	3.35	4.24
597,440	4,140,880	0.83	3.34	4.17
597,450	4,140,880	0.79	3.31	4.10
597,460	4,140,880	0.74	3.29	4.03
597,470	4,140,880	0.69	3.28	3.97
597,480	4,140,880	0.66	3.26	3.91
597,490	4,140,880	0.62	3.24	3.86
597,290	4,140,890	4.47	4.16	8.63
597,300	4,140,890	3.57	4.05	7.61
597,310	4,140,890	2.96	3.93	6.89
597,320	4,140,890	2.52	3.82	6.34
597,330	4,140,890	2.19	3.08	5.27
597,340	4,140,890	1.93	3.59	5.52
597,350	4,140,890	1.73	3.54	5.27
597,360	4,140,890	1.56	3.53	5.08
597,370	4,140,890	1.42	3.51	4.93
597,380	4,140,890	1.29	3.49	4.78
597,390	4,140,890	1.19	3.47	4.66
597,400	4,140,890	1.10	3.45	4.55
597,410	4,140,890	1.02	3.43	4.45
597,420	4,140,890	0.95	3.41	4.36
597,430	4,140,890	0.89	3.39	4.28
597,440	4,140,890	0.83	3.37	4.20
597,450	4,140,890	0.78	3.35	4.13

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,460	4,140,890	0.73	3.33	4.06
597,470	4,140,890	0.69	3.32	4.01
597,480	4,140,890	0.66	3.30	3.95
597,490	4,140,890	0.62	3.28	3.89
597,290	4,140,900	4.41	4.22	8.62
597,300	4,140,900	3.53	4.10	7.63
597,310	4,140,900	2.93	3.99	6.92
597,320	4,140,900	2.50	3.87	6.38
597,330	4,140,900	2.18	3.09	5.27
597,340	4,140,900	1.92	3.65	5.57
597,350	4,140,900	1.72	3.58	5.30
597,360	4,140,900	1.55	3.56	5.11
597,370	4,140,900	1.41	3.55	4.95
597,380	4,140,900	1.29	3.53	4.82
597,390	4,140,900	1.19	3.51	4.69
597,400	4,140,900	1.09	3.49	4.58
597,410	4,140,900	1.02	3.47	4.49
597,420	4,140,900	0.95	3.45	4.40
597,430	4,140,900	0.88	3.43	4.32
597,440	4,140,900	0.83	3.41	4.24
597,450	4,140,900	0.77	3.39	4.17
597,460	4,140,900	0.73	3.37	4.10
597,470	4,140,900	0.69	3.35	4.04
597,480	4,140,900	0.65	3.34	3.99
597,490	4,140,900	0.61	3.32	3.93
597,290	4,140,910	4.34	2.93	7.28
597,300	4,140,910	3.48	4.15	7.63
597,310	4,140,910	2.90	4.04	6.93
597,320	4,140,910	2.48	3.92	6.40
597,330	4,140,910	2.16	3.10	5.26
597,340	4,140,910	1.91	3.69	5.61
597,350	4,140,910	1.71	3.62	5.33
597,360	4,140,910	1.54	3.60	5.14
597,370	4,140,910	1.40	3.58	4.98
597,380	4,140,910	1.28	3.56	4.85
597,390	4,140,910	1.18	3.54	4.72
597,400	4,140,910	1.09	3.53	4.61
597,410	4,140,910	1.01	3.51	4.52
597,420	4,140,910	0.94	3.49	4.43
597,430	4,140,910	0.88	3.47	4.35
597,440	4,140,910	0.82	3.45	4.27

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,450	4,140,910	0.77	3.43	4.20
597,460	4,140,910	0.73	3.41	4.13
597,470	4,140,910	0.69	3.39	4.08
597,480	4,140,910	0.64	3.37	4.02
597,490	4,140,910	0.61	3.35	3.96
597,290	4,140,920	4.27	4.32	8.59
597,300	4,140,920	3.44	4.21	7.65
597,310	4,140,920	2.87	4.09	6.96
597,320	4,140,920	2.46	3.98	6.44
597,330	4,140,920	2.14	3.11	5.26
597,340	4,140,920	1.90	3.75	5.65
597,350	4,140,920	1.70	3.66	5.36
597,360	4,140,920	1.53	3.64	5.17
597,370	4,140,920	1.40	3.62	5.02
597,380	4,140,920	1.28	3.60	4.88
597,390	4,140,920	1.18	3.58	4.76
597,400	4,140,920	1.09	3.56	4.65
597,410	4,140,920	1.01	3.55	4.55
597,420	4,140,920	0.94	3.53	4.46
597,430	4,140,920	0.88	3.51	4.39
597,440	4,140,920	0.82	3.49	4.31
597,450	4,140,920	0.77	3.47	4.24
597,460	4,140,920	0.73	3.45	4.17
597,470	4,140,920	0.68	3.43	4.11
597,480	4,140,920	0.64	3.41	4.06
597,490	4,140,920	0.61	3.39	4.00
597,290	4,140,930	4.21	4.38	8.59
597,300	4,140,930	3.40	4.27	7.66
597,310	4,140,930	2.84	4.15	7.00
597,320	4,140,930	2.44	4.04	6.47
597,330	4,140,930	2.13	3.13	5.26
597,340	4,140,930	1.88	3.81	5.70
597,350	4,140,930	1.69	3.70	5.39
597,360	4,140,930	1.53	3.68	5.21
597,370	4,140,930	1.39	3.66	5.05
597,380	4,140,930	1.27	3.64	4.91
597,390	4,140,930	1.17	3.62	4.79
597,400	4,140,930	1.08	3.60	4.69
597,410	4,140,930	1.00	3.59	4.59
597,420	4,140,930	0.93	3.57	4.50
597,430	4,140,930	0.87	3.55	4.42

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,440	4,140,930	0.82	3.53	4.35
597,450	4,140,930	0.76	3.51	4.27
597,460	4,140,930	0.72	3.49	4.21
597,470	4,140,930	0.68	3.47	4.15
597,480	4,140,930	0.64	3.45	4.09
597,490	4,140,930	0.61	3.43	4.04
597,290	4,140,940	4.14	4.44	8.58
597,300	4,140,940	3.36	4.32	7.68
597,310	4,140,940	2.81	4.21	7.02
597,320	4,140,940	2.42	4.10	6.51
597,330	4,140,940	2.11	3.15	5.26
597,340	4,140,940	1.87	3.87	5.74
597,350	4,140,940	1.68	3.76	5.44
597,360	4,140,940	1.52	3.72	5.24
597,370	4,140,940	1.38	3.70	5.08
597,380	4,140,940	1.26	3.68	4.94
597,390	4,140,940	1.16	3.66	4.83
597,400	4,140,940	1.08	3.64	4.72
597,410	4,140,940	1.00	3.63	4.62
597,420	4,140,940	0.93	3.61	4.53
597,430	4,140,940	0.87	3.59	4.45
597,440	4,140,940	0.81	3.57	4.38
597,450	4,140,940	0.76	3.55	4.31
597,460	4,140,940	0.71	3.53	4.24
597,470	4,140,940	0.68	3.51	4.19
597,480	4,140,940	0.63	3.49	4.12
597,490	4,140,940	0.60	3.47	4.07
597,290	4,140,950	4.08	4.50	8.58
597,300	4,140,950	3.31	4.38	7.70
597,310	4,140,950	2.78	4.27	7.05
597,320	4,140,950	2.39	4.15	6.55
597,330	4,140,950	2.10	3.17	5.26
597,340	4,140,950	1.86	3.93	5.79
597,350	4,140,950	1.67	3.82	5.48
597,360	4,140,950	1.51	3.76	5.26
597,370	4,140,950	1.37	3.74	5.11
597,380	4,140,950	1.26	3.72	4.98
597,390	4,140,950	1.16	3.70	4.86
597,400	4,140,950	1.07	3.68	4.76
597,410	4,140,950	0.99	3.66	4.66
597,420	4,140,950	0.93	3.65	4.57

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,430	4,140,950	0.86	3.63	4.49
597,440	4,140,950	0.81	3.61	4.42
597,450	4,140,950	0.76	3.59	4.34
597,460	4,140,950	0.71	3.57	4.28
597,470	4,140,950	0.67	3.55	4.22
597,480	4,140,950	0.63	3.53	4.16
597,490	4,140,950	0.60	3.51	4.11
597,290	4,140,960	4.03	4.55	8.58
597,300	4,140,960	3.28	4.44	7.72
597,310	4,140,960	2.76	4.33	7.09
597,320	4,140,960	2.38	4.21	6.59
597,330	4,140,960	2.08	3.19	5.27
597,340	4,140,960	1.85	3.99	5.83
597,350	4,140,960	1.66	3.87	5.53
597,360	4,140,960	1.50	3.80	5.30
597,370	4,140,960	1.36	3.78	5.14
597,380	4,140,960	1.25	3.76	5.01
597,390	4,140,960	1.15	3.74	4.90
597,400	4,140,960	1.06	3.72	4.78
597,410	4,140,960	0.99	3.70	4.69
597,420	4,140,960	0.92	3.69	4.61
597,430	4,140,960	0.86	3.67	4.52
597,440	4,140,960	0.80	3.65	4.45
597,450	4,140,960	0.75	3.63	4.38
597,460	4,140,960	0.71	3.61	4.32
597,470	4,140,960	0.67	3.59	4.25
597,480	4,140,960	0.63	3.57	4.20
597,490	4,140,960	0.59	3.55	4.14
597,290	4,140,970	3.97	4.61	8.59
597,300	4,140,970	3.24	4.50	7.74
597,310	4,140,970	2.73	4.39	7.12
597,320	4,140,970	2.36	4.27	6.63
597,330	4,140,970	2.07	4.16	6.23
597,340	4,140,970	1.84	4.04	5.88
597,350	4,140,970	1.65	3.93	5.58
597,360	4,140,970	1.49	3.84	5.33
597,370	4,140,970	1.36	3.82	5.18
597,380	4,140,970	1.25	3.80	5.05
597,390	4,140,970	1.14	3.78	4.92
597,400	4,140,970	1.06	3.76	4.82
597,410	4,140,970	0.98	3.74	4.72

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,420	4,140,970	0.92	3.73	4.64
597,430	4,140,970	0.85	3.71	4.56
597,440	4,140,970	0.80	3.69	4.48
597,450	4,140,970	0.75	3.67	4.41
597,460	4,140,970	0.70	3.65	4.35
597,470	4,140,970	0.66	3.63	4.29
597,480	4,140,970	0.62	3.66	4.29
597,490	4,140,970	0.59	3.73	4.32
597,500	4,140,970	0.56	3.79	4.35
597,290	4,140,980	3.92	4.66	8.58
597,300	4,140,980	3.21	4.54	7.75
597,310	4,140,980	2.71	4.43	7.14
597,320	4,140,980	2.34	4.32	6.66
597,330	4,140,980	2.05	4.20	6.26
597,340	4,140,980	1.82	4.09	5.91
597,350	4,140,980	1.64	3.98	5.61
597,360	4,140,980	1.48	3.87	5.35
597,370	4,140,980	1.35	3.86	5.20
597,380	4,140,980	1.23	3.84	5.07
597,390	4,140,980	1.14	3.82	4.95
597,400	4,140,980	1.05	3.80	4.85
597,410	4,140,980	0.97	3.78	4.75
597,420	4,140,980	0.91	3.76	4.67
597,430	4,140,980	0.84	3.74	4.59
597,440	4,140,980	0.79	3.72	4.51
597,450	4,140,980	0.74	3.70	4.44
597,460	4,140,980	0.70	3.71	4.41
597,470	4,140,980	0.66	3.77	4.43
597,480	4,140,980	0.62	3.84	4.46
597,490	4,140,980	0.58	3.90	4.49
597,500	4,140,980	0.55	3.97	4.52
597,290	4,140,990	3.87	4.70	8.57
597,300	4,140,990	3.17	4.59	7.76
597,310	4,140,990	2.68	4.48	7.16
597,320	4,140,990	2.32	4.36	6.68
597,330	4,140,990	2.04	4.25	6.28
597,340	4,140,990	1.81	4.14	5.94
597,350	4,140,990	1.62	4.02	5.65
597,360	4,140,990	1.47	3.91	5.38
597,370	4,140,990	1.34	3.89	5.23
597,380	4,140,990	1.23	3.87	5.10

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,390	4,140,990	1.13	3.85	4.99
597,400	4,140,990	1.05	3.83	4.88
597,410	4,140,990	0.97	3.82	4.78
597,420	4,140,990	0.90	3.80	4.70
597,430	4,140,990	0.84	3.78	4.62
597,440	4,140,990	0.79	3.77	4.56
597,450	4,140,990	0.74	3.82	4.56
597,460	4,140,990	0.69	3.88	4.58
597,470	4,140,990	0.65	3.95	4.60
597,480	4,140,990	0.61	4.01	4.62
597,490	4,140,990	0.58	4.08	4.66
597,500	4,140,990	0.55	4.14	4.69
597,290	4,141,000	3.81	4.72	8.53
597,300	4,141,000	3.14	4.61	7.74
597,310	4,141,000	2.65	4.50	7.15
597,320	4,141,000	2.30	4.38	6.68
597,330	4,141,000	2.02	4.27	6.29
597,340	4,141,000	1.80	4.15	5.95
597,350	4,141,000	1.61	4.04	5.65
597,360	4,141,000	1.46	3.94	5.40
597,370	4,141,000	1.33	3.92	5.25
597,380	4,141,000	1.22	3.90	5.12
597,390	4,141,000	1.12	3.88	5.00
597,400	4,141,000	1.04	3.86	4.90
597,410	4,141,000	0.96	3.84	4.81
597,420	4,141,000	0.89	3.83	4.72
597,430	4,141,000	0.83	3.88	4.71
597,440	4,141,000	0.78	3.94	4.72
597,450	4,141,000	0.73	3.99	4.72
597,460	4,141,000	0.69	4.05	4.74
597,470	4,141,000	0.64	4.11	4.76
597,480	4,141,000	0.61	4.18	4.78
597,490	4,141,000	0.57	4.24	4.82
597,500	4,141,000	0.54	4.31	4.85
597,290	4,141,010	3.76	4.74	8.50
597,300	4,141,010	3.10	4.63	7.73
597,310	4,141,010	2.63	4.51	7.15
597,320	4,141,010	2.28	4.40	6.68
597,330	4,141,010	2.00	4.29	6.29
597,340	4,141,010	1.79	4.17	5.96
597,350	4,141,010	1.60	4.06	5.66

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,360	4,141,010	1.45	3.97	5.42
597,370	4,141,010	1.32	3.95	5.27
597,380	4,141,010	1.21	3.93	5.14
597,390	4,141,010	1.12	3.91	5.03
597,400	4,141,010	1.03	3.89	4.92
597,410	4,141,010	0.95	3.91	4.87
597,420	4,141,010	0.89	3.98	4.87
597,430	4,141,010	0.83	4.04	4.87
597,440	4,141,010	0.77	4.11	4.88
597,450	4,141,010	0.73	4.15	4.88
597,460	4,141,010	0.68	4.22	4.90
597,470	4,141,010	0.64	4.28	4.92
597,480	4,141,010	0.60	4.34	4.95
597,490	4,141,010	0.57	4.41	4.98
597,500	4,141,010	0.54	4.47	5.01
597,290	4,141,020	3.71	4.75	8.46
597,300	4,141,020	3.07	4.63	7.70
597,310	4,141,020	2.60	4.52	7.12
597,320	4,141,020	2.26	4.40	6.67
597,330	4,141,020	1.99	4.29	6.28
597,340	4,141,020	1.77	4.18	5.95
597,350	4,141,020	1.59	4.07	5.66
597,360	4,141,020	1.45	3.99	5.44
597,370	4,141,020	1.32	3.97	5.29
597,380	4,141,020	1.20	3.95	5.15
597,390	4,141,020	1.11	3.95	5.06
597,400	4,141,020	1.02	4.01	5.04
597,410	4,141,020	0.95	4.08	5.02
597,420	4,141,020	0.88	4.14	5.02
597,430	4,141,020	0.82	4.20	5.03
597,440	4,141,020	0.77	4.27	5.04
597,450	4,141,020	0.72	4.31	5.04
597,460	4,141,020	0.67	4.38	5.05
597,470	4,141,020	0.63	4.44	5.08
597,480	4,141,020	0.60	4.51	5.10
597,490	4,141,020	0.56	4.57	5.13
597,500	4,141,020	0.53	4.63	5.17
597,280	4,141,030	4.61	4.86	9.48
597,290	4,141,030	3.67	4.75	8.42
597,300	4,141,030	3.04	4.64	7.68
597,310	4,141,030	2.58	4.53	7.11

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,320	4,141,030	2.24	4.41	6.65
597,330	4,141,030	1.98	4.30	6.27
597,340	4,141,030	1.76	4.18	5.94
597,350	4,141,030	1.58	4.07	5.65
597,360	4,141,030	1.44	4.01	5.45
597,370	4,141,030	1.31	4.00	5.30
597,380	4,141,030	1.20	4.05	5.24
597,390	4,141,030	1.10	4.11	5.21
597,400	4,141,030	1.01	4.17	5.19
597,410	4,141,030	0.94	4.24	5.18
597,420	4,141,030	0.87	4.30	5.17
597,430	4,141,030	0.81	4.37	5.18
597,440	4,141,030	0.76	4.43	5.19
597,450	4,141,030	0.71	4.48	5.19
597,460	4,141,030	0.67	4.54	5.21
597,470	4,141,030	0.63	4.61	5.23
597,480	4,141,030	0.59	4.67	5.26
597,490	4,141,030	0.56	4.73	5.29
597,500	4,141,030	0.53	4.80	5.32
597,280	4,141,040	4.54	4.88	9.43
597,290	4,141,040	3.62	4.77	8.39
597,300	4,141,040	3.01	4.66	7.66
597,310	4,141,040	2.56	4.54	7.11
597,320	4,141,040	2.23	4.43	6.65
597,330	4,141,040	1.96	4.32	6.28
597,340	4,141,040	1.75	4.20	5.95
597,350	4,141,040	1.57	4.09	5.66
597,360	4,141,040	1.42	4.08	5.51
597,370	4,141,040	1.29	4.15	5.44
597,380	4,141,040	1.19	4.21	5.40
597,390	4,141,040	1.09	4.28	5.36
597,400	4,141,040	1.01	4.34	5.35
597,410	4,141,040	0.93	4.40	5.34
597,420	4,141,040	0.87	4.47	5.33
597,430	4,141,040	0.81	4.53	5.34
597,440	4,141,040	0.75	4.60	5.35
597,450	4,141,040	0.70	4.64	5.35
597,460	4,141,040	0.66	4.71	5.37
597,470	4,141,040	0.62	4.77	5.39
597,480	4,141,040	0.58	4.84	5.42
597,490	4,141,040	0.55	4.90	5.45

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,500	4,141,040	0.52	4.96	5.48
597,280	4,141,050	4.47	4.94	9.41
597,290	4,141,050	3.58	4.83	8.41
597,300	4,141,050	2.98	4.72	7.69
597,310	4,141,050	2.54	4.60	7.14
597,320	4,141,050	2.21	4.49	6.70
597,330	4,141,050	1.95	4.37	6.32
597,340	4,141,050	1.74	4.28	6.01
597,350	4,141,050	1.56	4.25	5.80
597,360	4,141,050	1.41	4.26	5.68
597,370	4,141,050	1.28	4.33	5.61
597,380	4,141,050	1.18	4.39	5.57
597,390	4,141,050	1.08	4.45	5.54
597,400	4,141,050	1.00	4.52	5.51
597,410	4,141,050	0.92	4.58	5.50
597,420	4,141,050	0.86	4.65	5.50
597,430	4,141,050	0.80	4.71	5.51
597,440	4,141,050	0.74	4.77	5.52
597,450	4,141,050	0.69	4.82	5.51
597,460	4,141,050	0.65	4.89	5.53
597,470	4,141,050	0.61	4.95	5.56
597,480	4,141,050	0.57	5.01	5.59
597,490	4,141,050	0.54	5.08	5.62
597,500	4,141,050	0.51	5.14	5.65
597,280	4,141,060	4.41	5.05	9.46
597,290	4,141,060	3.54	4.94	8.48
597,300	4,141,060	2.95	4.83	7.78
597,310	4,141,060	2.52	4.71	7.23
597,320	4,141,060	2.19	4.60	6.79
597,330	4,141,060	1.93	4.55	6.49
597,340	4,141,060	1.72	4.52	6.25
597,350	4,141,060	1.55	4.49	6.04
597,360	4,141,060	1.40	4.46	5.87
597,370	4,141,060	1.27	4.52	5.79
597,380	4,141,060	1.16	4.58	5.75
597,390	4,141,060	1.07	4.65	5.72
597,400	4,141,060	0.99	4.71	5.70
597,410	4,141,060	0.92	4.77	5.69
597,420	4,141,060	0.84	4.84	5.68
597,430	4,141,060	0.79	4.90	5.69
597,440	4,141,060	0.74	4.97	5.70

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,450	4,141,060	0.69	5.01	5.70
597,460	4,141,060	0.64	5.08	5.72
597,470	4,141,060	0.61	5.14	5.75
597,480	4,141,060	0.57	5.21	5.77
597,490	4,141,060	0.54	5.27	5.81
597,500	4,141,060	0.50	5.33	5.84
597,280	4,141,070	4.35	5.22	9.56
597,290	4,141,070	3.50	5.10	8.61
597,300	4,141,070	2.92	4.99	7.92
597,310	4,141,070	2.50	4.93	7.44
597,320	4,141,070	2.18	4.89	7.06
597,330	4,141,070	1.92	4.86	6.77
597,340	4,141,070	1.71	4.83	6.54
597,350	4,141,070	1.53	4.80	6.33
597,360	4,141,070	1.39	4.77	6.15
597,370	4,141,070	1.26	4.74	6.00
597,380	4,141,070	1.15	4.79	5.94
597,390	4,141,070	1.06	4.85	5.92
597,400	4,141,070	0.97	4.92	5.89
597,410	4,141,070	0.90	4.98	5.89
597,420	4,141,070	0.84	5.05	5.89
597,430	4,141,070	0.78	5.11	5.89
597,440	4,141,070	0.73	5.17	5.90
597,450	4,141,070	0.68	5.22	5.90
597,460	4,141,070	0.63	5.29	5.92
597,470	4,141,070	0.60	5.35	5.95
597,480	4,141,070	0.56	5.41	5.97
597,490	4,141,070	0.53	5.47	6.00
597,500	4,141,070	0.50	5.54	6.03
597,280	4,141,080	4.29	5.31	9.61
597,290	4,141,080	3.47	5.23	8.70
597,300	4,141,080	2.90	5.20	8.10
597,310	4,141,080	2.48	5.17	7.65
597,320	4,141,080	2.16	5.12	7.28
597,330	4,141,080	1.90	5.09	6.99
597,340	4,141,080	1.69	5.06	6.76
597,350	4,141,080	1.52	5.03	6.55
597,360	4,141,080	1.38	5.00	6.38
597,370	4,141,080	1.25	4.97	6.22
597,380	4,141,080	1.14	4.98	6.12
597,390	4,141,080	1.05	5.04	6.09

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,400	4,141,080	0.96	5.11	6.07
597,410	4,141,080	0.89	5.17	6.07
597,420	4,141,080	0.83	5.24	6.06
597,430	4,141,080	0.77	5.30	6.07
597,440	4,141,080	0.71	5.36	6.08
597,450	4,141,080	0.67	5.41	6.08
597,460	4,141,080	0.63	5.47	6.10
597,470	4,141,080	0.58	5.54	6.12
597,480	4,141,080	0.55	5.60	6.15
597,490	4,141,080	0.52	5.66	6.18
597,500	4,141,080	0.49	5.72	6.21
597,280	4,141,090	4.25	5.44	9.69
597,290	4,141,090	3.44	5.41	8.85
597,300	4,141,090	2.88	5.38	8.26
597,310	4,141,090	2.46	5.35	7.82
597,320	4,141,090	2.14	5.31	7.45
597,330	4,141,090	1.88	5.28	7.16
597,340	4,141,090	1.68	5.25	6.92
597,350	4,141,090	1.51	5.22	6.72
597,360	4,141,090	1.36	5.19	6.54
597,370	4,141,090	1.23	5.16	6.39
597,380	4,141,090	1.13	5.15	6.28
597,390	4,141,090	1.03	5.22	6.25
597,400	4,141,090	0.95	5.28	6.23
597,410	4,141,090	0.88	5.35	6.22
597,420	4,141,090	0.81	5.41	6.22
597,430	4,141,090	0.76	5.47	6.23
597,440	4,141,090	0.70	5.54	6.24
597,450	4,141,090	0.66	5.58	6.24
597,460	4,141,090	0.62	5.64	6.26
597,470	4,141,090	0.58	5.71	6.28
597,480	4,141,090	0.54	5.77	6.31
597,490	4,141,090	0.51	5.83	6.34
597,500	4,141,090	0.48	5.89	6.37
597,280	4,141,100	4.21	5.64	9.85
597,290	4,141,100	3.41	5.61	9.02
597,300	4,141,100	2.85	5.58	8.43
597,310	4,141,100	2.44	5.55	7.99
597,320	4,141,100	2.12	5.50	7.62
597,330	4,141,100	1.87	5.47	7.34
597,340	4,141,100	1.66	5.44	7.10

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,350	4,141,100	1.49	5.41	6.90
597,360	4,141,100	1.34	5.38	6.72
597,370	4,141,100	1.22	5.35	6.57
597,380	4,141,100	1.12	5.33	6.45
597,390	4,141,100	1.02	5.40	6.41
597,400	4,141,100	0.94	5.46	6.40
597,410	4,141,100	0.87	5.52	6.39
597,420	4,141,100	0.80	5.59	6.39
597,430	4,141,100	0.75	5.65	6.40
597,440	4,141,100	0.69	5.71	6.40
597,450	4,141,100	0.65	5.76	6.41
597,460	4,141,100	0.61	5.82	6.42
597,470	4,141,100	0.57	5.88	6.45
597,480	4,141,100	0.54	5.94	6.48
597,490	4,141,100	0.50	6.00	6.51
597,500	4,141,100	0.48	6.06	6.54
597,510	4,141,100	0.45	6.10	6.55
597,280	4,141,110	4.18	5.82	10.00
597,290	4,141,110	3.39	5.79	9.18
597,300	4,141,110	2.83	5.76	8.59
597,310	4,141,110	2.42	5.73	8.15
597,320	4,141,110	2.10	5.69	7.79
597,330	4,141,110	1.85	5.66	7.50
597,340	4,141,110	1.64	5.63	7.27
597,350	4,141,110	1.47	5.60	7.06
597,360	4,141,110	1.33	5.57	6.89
597,370	4,141,110	1.20	5.54	6.74
597,380	4,141,110	1.10	5.51	6.60
597,390	4,141,110	1.01	5.57	6.58
597,400	4,141,110	0.93	5.63	6.56
597,410	4,141,110	0.86	5.70	6.55
597,420	4,141,110	0.79	5.76	6.55
597,430	4,141,110	0.74	5.82	6.56
597,440	4,141,110	0.68	5.88	6.56
597,450	4,141,110	0.64	5.93	6.56
597,460	4,141,110	0.60	5.99	6.58
597,470	4,141,110	0.56	6.05	6.61
597,480	4,141,110	0.53	6.11	6.64
597,490	4,141,110	0.49	6.17	6.66
597,500	4,141,110	0.47	6.15	6.62
597,510	4,141,110	0.44	6.13	6.57

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,280	4,141,120	4.15	6.01	10.16
597,290	4,141,120	3.36	5.98	9.33
597,300	4,141,120	2.80	5.95	8.74
597,310	4,141,120	2.39	5.92	8.30
597,320	4,141,120	2.07	5.87	7.94
597,330	4,141,120	1.82	5.84	7.66
597,340	4,141,120	1.62	5.81	7.43
597,350	4,141,120	1.45	5.78	7.22
597,360	4,141,120	1.31	5.75	7.05
597,370	4,141,120	1.19	5.72	6.90
597,380	4,141,120	1.08	5.69	6.77
597,390	4,141,120	0.99	5.74	6.73
597,400	4,141,120	0.91	5.80	6.71
597,410	4,141,120	0.84	5.87	6.70
597,420	4,141,120	0.78	5.93	6.71
597,430	4,141,120	0.72	5.99	6.71
597,440	4,141,120	0.67	6.05	6.72
597,450	4,141,120	0.63	6.10	6.72
597,460	4,141,120	0.58	6.16	6.74
597,470	4,141,120	0.55	6.22	6.77
597,480	4,141,120	0.51	6.23	6.74
597,490	4,141,120	0.49	6.21	6.69
597,500	4,141,120	0.46	6.19	6.65
597,510	4,141,120	0.43	6.17	6.60
597,280	4,141,130	4.12	6.22	10.33
597,290	4,141,130	3.31	6.17	9.49
597,300	4,141,130	2.76	6.14	8.90
597,310	4,141,130	2.35	6.11	8.46
597,320	4,141,130	2.04	6.06	8.11
597,330	4,141,130	1.79	6.03	7.83
597,340	4,141,130	1.59	6.00	7.60
597,350	4,141,130	1.42	5.97	7.40
597,360	4,141,130	1.28	5.94	7.23
597,370	4,141,130	1.16	5.91	7.08
597,380	4,141,130	1.06	5.88	6.94
597,390	4,141,130	0.97	5.92	6.89
597,400	4,141,130	0.89	5.98	6.87
597,410	4,141,130	0.82	6.04	6.86
597,420	4,141,130	0.76	6.10	6.86
597,430	4,141,130	0.71	6.16	6.87
597,440	4,141,130	0.66	6.22	6.88

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,450	4,141,130	0.62	6.27	6.89
597,460	4,141,130	0.57	6.30	6.88
597,470	4,141,130	0.54	6.28	6.82
597,480	4,141,130	0.50	6.26	6.77
597,490	4,141,130	0.48	6.24	6.72
597,500	4,141,130	0.45	6.22	6.67
597,510	4,141,130	0.42	6.20	6.63
597,280	4,141,140	4.04	6.40	10.44
597,290	4,141,140	3.25	6.35	9.60
597,300	4,141,140	2.71	6.32	9.03
597,310	4,141,140	2.31	6.29	8.61
597,320	4,141,140	2.00	6.25	8.25
597,330	4,141,140	1.77	6.22	7.98
597,340	4,141,140	1.57	6.19	7.75
597,350	4,141,140	1.40	6.16	7.56
597,360	4,141,140	1.26	6.13	7.39
597,370	4,141,140	1.15	6.09	7.24
597,380	4,141,140	1.05	6.06	7.11
597,390	4,141,140	0.96	6.09	7.04
597,400	4,141,140	0.88	6.15	7.02
597,410	4,141,140	0.81	6.21	7.02
597,420	4,141,140	0.75	6.27	7.02
597,430	4,141,140	0.69	6.33	7.03
597,440	4,141,140	0.64	6.38	7.02
597,450	4,141,140	0.60	6.36	6.96
597,460	4,141,140	0.56	6.34	6.90
597,470	4,141,140	0.53	6.32	6.85
597,480	4,141,140	0.50	6.30	6.80
597,490	4,141,140	0.47	6.28	6.74
597,500	4,141,140	0.44	6.26	6.70
597,280	4,141,150	3.93	6.61	10.53
597,290	4,141,150	3.17	6.55	9.72
597,300	4,141,150	2.65	6.52	9.17
597,310	4,141,150	2.27	6.49	8.76
597,320	4,141,150	1.97	6.44	8.42
597,330	4,141,150	1.73	6.41	8.15
597,340	4,141,150	1.54	6.38	7.92
597,350	4,141,150	1.38	6.35	7.73
597,360	4,141,150	1.24	6.32	7.56
597,370	4,141,150	1.13	6.29	7.41
597,380	4,141,150	1.02	6.25	7.28

**Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California**

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,390	4,141,150	0.94	6.26	7.20
597,400	4,141,150	0.86	6.32	7.18
597,410	4,141,150	0.80	6.38	7.18
597,420	4,141,150	0.74	6.44	7.18
597,430	4,141,150	0.68	6.44	7.12
597,440	4,141,150	0.63	6.41	7.05
597,450	4,141,150	0.59	6.39	6.99
597,460	4,141,150	0.55	6.37	6.93
597,470	4,141,150	0.52	6.35	6.87
597,480	4,141,150	0.49	6.33	6.82
597,280	4,141,160	3.80	6.80	10.59
597,290	4,141,160	3.09	6.73	9.83
597,300	4,141,160	2.59	6.70	9.30
597,310	4,141,160	2.22	6.67	8.89
597,320	4,141,160	1.93	6.63	8.56
597,330	4,141,160	1.70	6.60	8.30
597,340	4,141,160	1.51	6.56	8.07
597,350	4,141,160	1.35	6.53	7.88
597,360	4,141,160	1.22	6.50	7.72
597,370	4,141,160	1.10	6.45	7.55
597,380	4,141,160	1.00	6.43	7.44
597,390	4,141,160	0.92	6.43	7.35
597,400	4,141,160	0.84	6.49	7.34
597,410	4,141,160	0.77	6.51	7.29
597,420	4,141,160	0.72	6.49	7.21
597,430	4,141,160	0.67	6.47	7.14
597,440	4,141,160	0.62	6.45	7.07
597,450	4,141,160	0.58	6.43	7.01
597,460	4,141,160	0.54	6.41	6.95
597,270	4,141,170	4.71	7.08	11.78
597,280	4,141,170	3.69	7.00	10.69
597,290	4,141,170	3.02	6.93	9.95
597,300	4,141,170	2.53	6.90	9.44
597,310	4,141,170	2.17	6.87	9.04
597,320	4,141,170	1.89	6.82	8.71
597,330	4,141,170	1.66	6.79	8.45
597,340	4,141,170	1.48	6.76	8.23
597,350	4,141,170	1.32	6.72	8.04
597,360	4,141,170	1.19	6.69	7.88
597,370	4,141,170	1.08	6.66	7.74
597,380	4,141,170	0.98	6.63	7.61

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,390	4,141,170	0.90	6.59	7.49
597,400	4,141,170	0.82	6.57	7.39
597,410	4,141,170	0.76	6.55	7.31
597,420	4,141,170	0.70	6.50	7.20
597,430	4,141,170	0.65	6.51	7.16
597,440	4,141,170	0.61	6.49	7.09
597,270	4,141,180	4.55	7.27	11.81
597,280	4,141,180	3.59	7.19	10.78
597,290	4,141,180	2.95	7.11	10.06
597,300	4,141,180	2.48	7.08	9.56
597,310	4,141,180	2.13	7.05	9.18
597,320	4,141,180	1.85	7.00	8.85
597,330	4,141,180	1.63	6.97	8.60
597,340	4,141,180	1.45	6.93	8.38
597,350	4,141,180	1.29	6.90	8.20
597,360	4,141,180	1.16	6.87	8.03
597,370	4,141,180	1.06	6.84	7.89
597,380	4,141,180	0.96	6.74	7.70
597,390	4,141,180	0.88	6.62	7.50
597,400	4,141,180	0.81	6.60	7.41
597,410	4,141,180	0.74	6.58	7.32
597,420	4,141,180	0.69	6.56	7.25
597,430	4,141,180	0.63	6.54	7.18
597,270	4,141,190	4.41	7.47	11.89
597,280	4,141,190	3.50	7.39	10.89
597,290	4,141,190	2.88	7.31	10.19
597,300	4,141,190	2.43	7.27	9.70
597,310	4,141,190	2.08	7.24	9.32
597,320	4,141,190	1.81	7.19	9.00
597,330	4,141,190	1.59	7.16	8.75
597,340	4,141,190	1.41	7.13	8.54
597,350	4,141,190	1.26	7.09	8.36
597,360	4,141,190	1.14	7.02	8.16
597,370	4,141,190	1.03	6.91	7.94
597,380	4,141,190	0.94	6.79	7.73
597,390	4,141,190	0.86	6.68	7.54
597,400	4,141,190	0.79	6.64	7.43
597,410	4,141,190	0.72	6.62	7.34
597,270	4,141,200	4.28	7.66	11.94
597,280	4,141,200	3.41	7.58	10.99
597,290	4,141,200	2.81	7.50	10.31

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
UTMx (m)	UTMy (m)	Rail	Road	Total
597,300	4,141,200	2.37	7.45	9.82
597,310	4,141,200	2.03	7.42	9.45
597,320	4,141,200	1.77	7.37	9.14
597,330	4,141,200	1.55	7.34	8.89
597,340	4,141,200	1.38	7.29	8.67
597,350	4,141,200	1.23	7.18	8.41
597,360	4,141,200	1.10	7.06	8.17
597,370	4,141,200	1.00	6.95	7.95
597,380	4,141,200	0.91	6.84	7.75
597,390	4,141,200	0.83	6.72	7.56
597,270	4,141,210	4.16	7.84	12.00
597,280	4,141,210	3.33	7.76	11.09
597,290	4,141,210	2.73	7.68	10.42
597,300	4,141,210	2.31	7.63	9.94
597,310	4,141,210	1.98	7.60	9.58
597,320	4,141,210	1.72	7.55	9.27
597,330	4,141,210	1.51	7.45	8.96
597,340	4,141,210	1.34	7.34	8.67
597,350	4,141,210	1.20	7.22	8.42
597,360	4,141,210	1.08	7.11	8.19
597,370	4,141,210	0.97	6.99	7.97
597,270	4,141,220	4.05	8.04	12.09
597,280	4,141,220	3.23	7.96	11.19
597,290	4,141,220	2.66	7.88	10.54
597,300	4,141,220	2.24	7.82	10.06
597,310	4,141,220	1.92	7.74	9.65
597,320	4,141,220	1.67	7.62	9.29
597,330	4,141,220	1.46	7.51	8.97
597,340	4,141,220	1.30	7.39	8.69
597,350	4,141,220	1.16	7.28	8.44
597,360	4,141,220	1.05	7.16	8.21
597,270	4,141,230	3.92	8.22	12.14
597,280	4,141,230	3.12	8.15	11.27
597,290	4,141,230	2.57	8.04	10.61
597,300	4,141,230	2.17	7.89	10.06
597,310	4,141,230	1.86	7.78	9.64
597,320	4,141,230	1.61	7.66	9.28
597,330	4,141,230	1.42	7.55	8.97
597,340	4,141,230	1.26	7.44	8.69
597,270	4,141,240	3.75	8.43	12.18
597,280	4,141,240	2.99	8.27	11.26

Table VI
Cancer Risk
McCandless Drive Properties
Milpitas, California

Receptor Location		Cancer Risk at each Receptor (in million)		
		Rail	Road	Total
597,290	4,141,240	2.47	8.11	10.58
597,300	4,141,240	2.09	7.95	10.04
597,310	4,141,240	1.79	7.84	9.63
597,320	4,141,240	1.56	7.72	9.28
597,270	4,141,250	3.57	8.47	12.04
597,280	4,141,250	2.86	8.31	11.18
597,290	4,141,250	2.37	8.15	10.53

FIGURE



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 Operator Name: LUCIDO_SMI
 Layout: C-1

Project No.:	38460-000
Scale:	AS SHOWN
Date:	NOVEMBER 2011
Autocad File:	38460-000-C1
Drawn By:	SJK
Designed By:	JK
Checked By:	CS
Approved By:	
Stamp:	

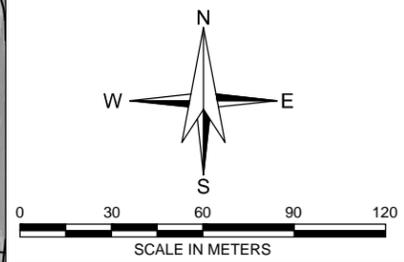
Rev.	Description	By	Date

McCANDLESS PROJECT
 MILPITAS, CALIFORNIA

SITE LOCATION
 AND RECEPTOR
 GRID

Sheet: 1 OF 1

FIGURE 1



Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS



870 Market Street, Suite 1278
San Francisco, CA 94102
(415) 433-4848
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REVISED MEMO

TO: Glenn Brown, Integral Partners
Jorge Duran, RJA

DATE: October 21, 2011

FROM: M. Eliza McNulty, PE
Caitlin Gilmore, PE

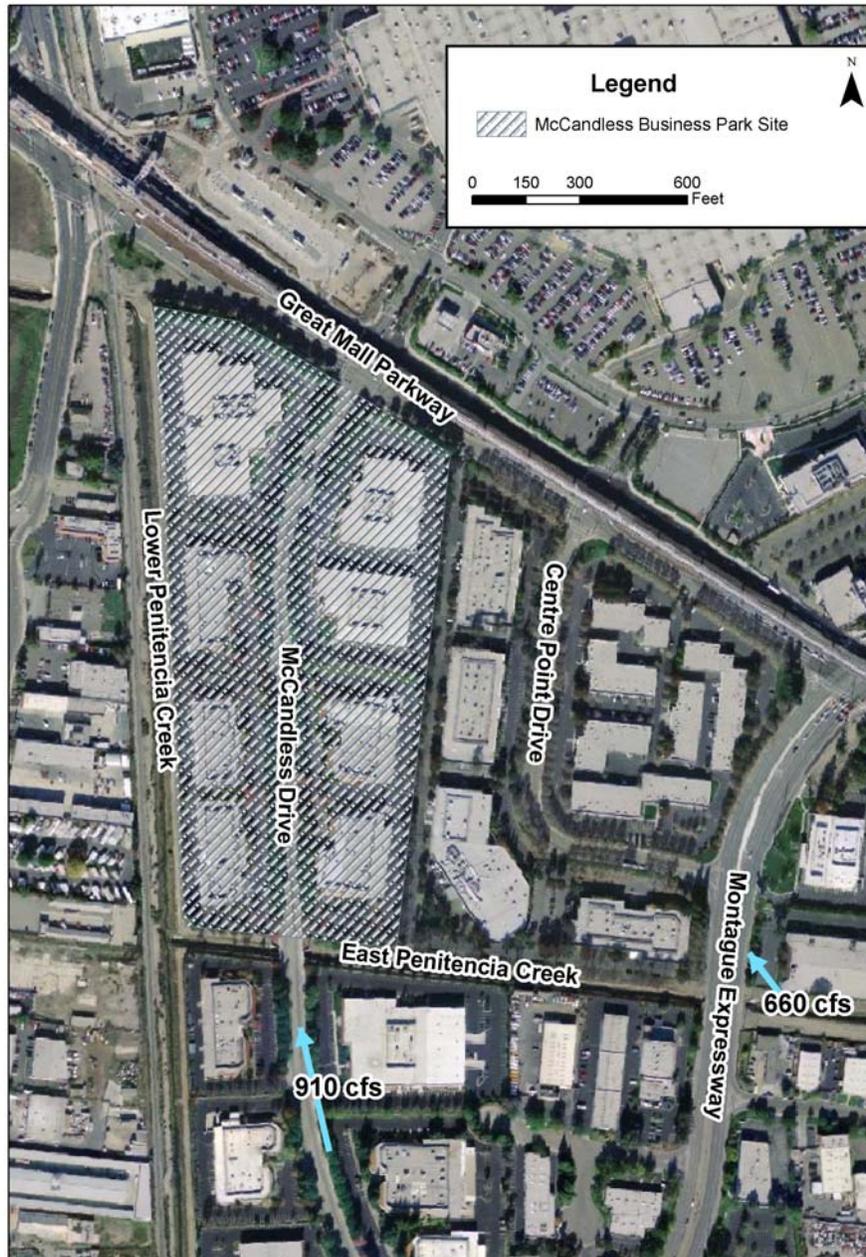
JOB #: IPLX.03.11

SUBJECT: McCandless Business Park, 100-year Storm Impacts

Schaaf & Wheeler has been working with Integral Communities in the analysis of the 100-year hydraulic conditions at the McCandless Business Park (Site) in Milpitas, California. The Site is bounded by East Penitencia Creek to the South, Lower Penitencia Creek to the west, and Great Mall Parkway to the North. McCandless Drive bisects the property into an eastern and western half (see Figure 1). Currently, the Site is entirely developed as commercial (i.e. office buildings). The McCandless project proposes to develop the approximately 26 acre Site into high density residential land use.

Previously, in September of 2008, Schaaf & Wheeler completed a memorandum detailing the results of the hydraulic analysis through the project Site. Since that time, the Site grading and layout has changed. This memorandum presents the results of the updated hydraulic analysis which reflects the updated site plan.

Figure 1: Site Area



During a 100-year storm event, water approaches the Site from the south and east sides. From the east, 660 cfs flows westerly through the Site as a result of a spill from East Penitencia Creek at Montague Expressway. From the south, approximately 910 cubic feet per second (cfs) approaches the site as the result of spilling from Lower Penitencia Creek (see Schaaf & Wheeler Memo, June 22, 2006). FEMA profiles show a water surface elevation (WSEL) of 33' (NGVD) in Lower Penitencia Creek between East Penitencia Creek and the culvert at the downstream limit of the Site (under Southern Pacific Railroad). Schaaf & Wheeler has independently analyzed the weir flow at this downstream limit and found a WSEL of 33.2' NGVD is necessary to convey the peak flow downstream. Thus, 33.2' NGVD was used as the existing 100-year WSEL in Lower Penitencia Creek for this analysis.

In existing conditions there are two paths conveying flows north and south (McCandless Drive and parking lots between existing buildings), three potential western paths in the eastern half of the Site, and three potential paths in the western half of the Site. In the updated proposed condition, the flow paths have been maintained, although their exact locations somewhat shifted. Schaaf & Wheeler created nodes between each of the flow paths, and at high points along the flow paths, where applicable. The site grading and proposed street cross sections were provided to Schaaf & Wheeler by Ruggeri-Jensen-Azar & Associates (RJA). The street cross section and grading plans are dated October 14, 2011. The hydraulic analysis utilizes the minimum street width provided in these plans to calculate the flows along the paths.

The WSEL at each node is calculated for the existing and post project conditions. The flow paths were assigned a Manning's "n" value of 0.025. It was assumed that the flow may overtop sidewalk gutters and the sloping approaches to buildings are utilized for flood conveyance. Given the "n" value used for this width, it is therefore assumed that there are no obstructions to flow in these paths. One example of a common flow obstruction which must be avoided for this analysis to be accurate is a raised planter bed. Manning's equation was used to calculate the slope of the hydraulic grade line between each node, and an iterative process used to balance the flows passing through the Site.

Table 1 and Figures 2 through 4 show the results of this analysis.

Table 1: Existing and Post-Project Hydraulic Conditions

Node	Existing WSEL (NGD)	Post-Project WSEL (NGD)	Change
G	33.6	33.5	-0.1
I	34.1	33.6	-0.5
J	34.2	34.1	0.0
L	33.9	33.9	0.0
M	33.9	34.0	+0.1
N	34.6	34.2	-0.3
O	34.6	34.2	-0.4
P	34.7	34.8	0.0
R	35.3	35.4	+0.1
S	35.6	35.7	+0.1
U	33.9	33.6	-0.4

* Indicates Ground Elevation, No Flow Reaches Node

The existing conditions are unchanged from the previous, September 2008 analysis. In general, the updated plan creates lower post project water surface elevations (by up to 0.5 foot) compared to the September 2008 plan, although some nodes did see a slight increase (up to 0.1 foot) in WSELs due to the Site plan updates. As shown in Table 1, the updated Site plan impacts to existing hydraulic grade lines for the 100-year event do not exceed 0.1 foot, and are lower than existing conditions in several locations. The City of Milpitas requires that the finished floor of each proposed building be placed at least one foot above the predicted 100-year water surface elevation.

Figure 2: Existing Conditions

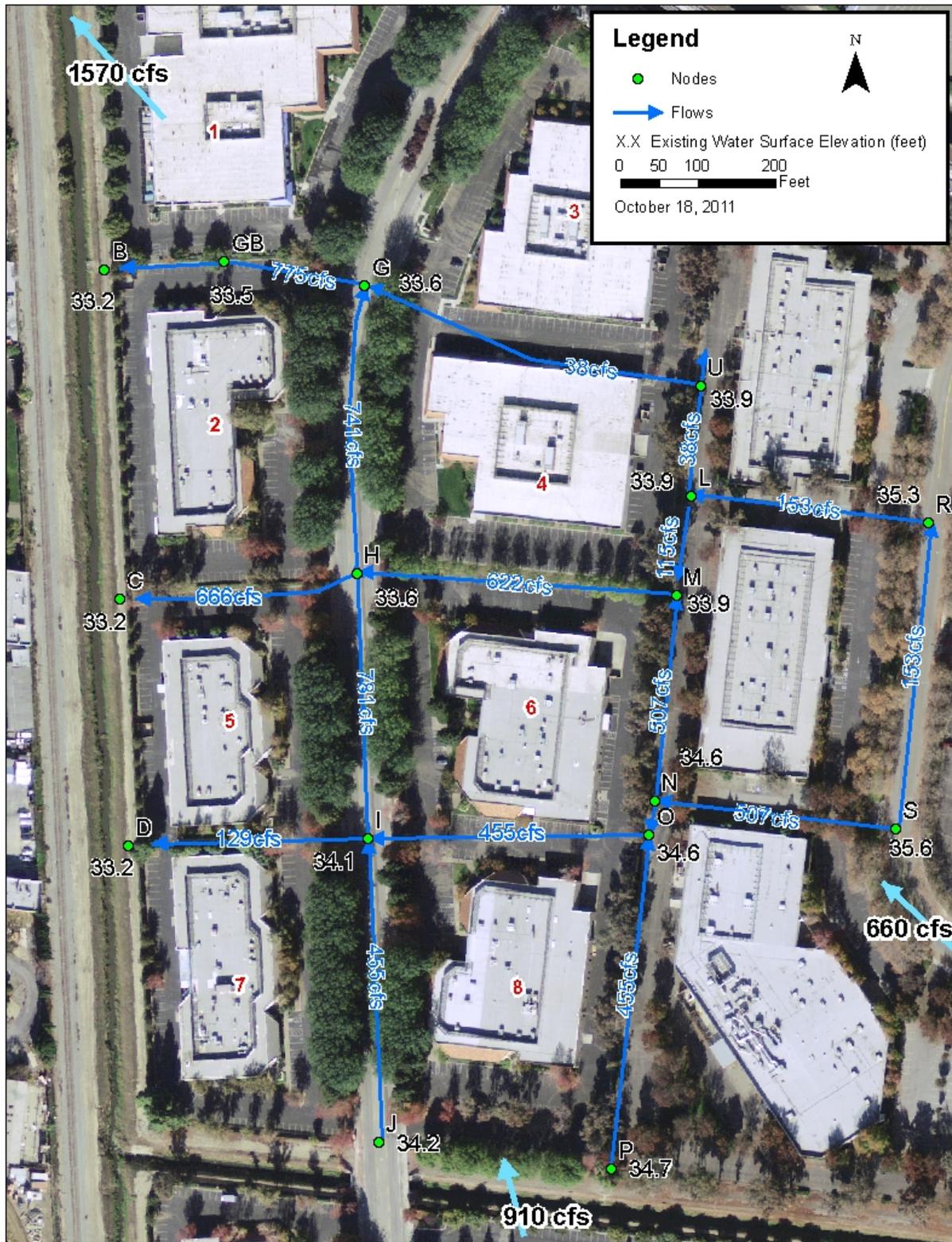


Figure 3: Post Project Conditions



Figure 4: 100-Year Hydraulic Impacts



Cumulative Impacts

As described above, the weir flow at the downstream limit of the Project Site was calculated to determine the starting WSEL necessary to convey the peak flow downstream. No known projects have been proposed downstream of the Integral Site at the time of this analysis. The Trumark at Trade Zone project is upstream (southeast) of the proposed Integral Site. The Berg Properties Site is also located upstream of the Integral Site, directly south of East Penitencia Creek. Our current understanding is that the both of these upstream projects proposed to grade the sites such that existing flow conditions are mimicked. As shown above, the Integral project has no hydraulic impacts on its southern boundary (nodes J and P). Given these conditions, the Integral, Trade Zone and Berg projects do not adversely impact each other.

The recently constructed Centria Project is located downstream of the Integral Properties site, just north of Lower Penitencia Creek after it crosses the SPRR. As described above, a hydraulic analysis by Schaaf & Wheeler concluded that the 100-year WSEL at the SPRR is 33.2 feet (NGVD). No detailed flood study is available for the Centria Site, however a review of the CLOMR for the project reveals base flood elevations for the 100-year event ranging from 26.0 - 32.0 feet (NGVD). These values are significantly lower than that established at the downstream limit of the Integral analysis by the detailed hydraulic analysis. As such, the available data regarding the Centria project does not impact the hydraulic analysis or findings for the Integral site.

The Montague/Piper TASP sub-district and BART projects are located due east of the Integral project. Given the flow paths in the area, and the location of the Integral project relative to the BART/Montague/Piper sites, the BART/Montague/Piper sites are hydraulically upstream of the Integral project. As such, the hydraulic impacts of the BART/Montague/Piper projects will not impact the Berg project. As shown in Figure 4, the Integral project results in raising BFEs at the eastern limit of the analysis by 0.1 foot. If relevant (see below), the BART analysis should consider the results of this study to establish hydraulic boundary conditions.

The BART Milpitas Station project is located East of the Integral Site and north of East Penitencia Creek. The Floodplain Re-Evaluation Study completed by VTA/BART in April 2010 concludes that flooding from Upper Penitencia Creek does not travel to the Milpitas Station site. Base flood elevations for the study are based on localized runoff and spills from Berryessa Creek alone. If this is indeed the case, the flood risk at the Integral Site is less severe than predicted by FEMA. BART/VTA is currently in the process of preparing a CLOMR application which, based on our review of their current report, will result in a FIRM which shows a decreased flood risk at the Integral Properties Site compared to the effective FIRM. Upstream impacts from development of the BART Milpitas Station site are currently reported to be less than 1 foot. Based on the VTA/BART report in hand and presuming that BART is held to the same standards as other developments and are not allowed to significantly redirect flows or increase the base flood elevation more than 0.1 feet; there will be no increase in flooding risk at the Integral Site due to the BART/VTA project.

According to the BART/VTA April 2010 report, the SCVWD has flood control projects planned for Berryessa and Upper Penitencia Creeks. These projects are planned for the future (years

2015-2023), but will result in maintaining flooding in the channels, thereby further reducing flooding risk at the Integral Site.

The VTA East Penitencia Siphon project at Lundy/Trimble Memorandum by the VTA dated August 2010 proposes to enlarge the existing siphon beneath the Silicon Valley Rapid Transit (SVRT) to create a gravity structure which flows to East Penitencia Creek. The project also proposes to enlarge East Penitencia Channel in order to maintain more flow within the channel. We presume that the channel would be enlarged such that, at a minimum, the existing overland flows would be maintained. It is likely that a channel project of this magnitude would actually decrease the existing overland flooding, however the August 2010 memorandum does not provide sufficient detail to explicitly make this conclusion. Given the numerous downstream capacity restraints along Lower Penitencia Creek, we anticipate that the City will require a detailed hydraulic analysis studying the downstream impacts of the proposed VTA siphon. Again assuming that the project would be held to the same standard and not permitted to increase overland flooding, this project will have no adverse impacts (and may result in a decreased flood risk) to the Integral Site.

In summary, incorporating BFEs of the project downstream of the proposed Integral Site would represent a less conservative approach than the one taken herein. Upstream projects can impact the Integral site only by significantly altering the existing hydrologic (i.e. flow path) conditions. While the VTA East Penitencia Siphon project proposes to do exactly that, the memorandum also acknowledges that channel improvements to mitigate this increased flow in East Penitencia are required. Based on a review of the information currently available, the end result of the upstream projects currently underway will be a decrease in the anticipated flood risk at the Integral Property.

Conclusion

As shown and described above, the project results in up to 0.1 foot increase in 100-year water surface elevations. At some locations in and adjacent to the Site, 100-year water surface elevations are decreased from 0.1 to 0.5 foot.

Post project WSELs along the eastern boundary of the Site are lower than those on Centre Point Drive. Based on the topography provided, it appears that the ground near the western side of the structures on Centre Point Drive (i.e. along the eastern edge of the Site) is generally above the post project WSELs. Those spot elevations that are below the post project WSELs are also generally below the existing conditions WSELs.

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February 22, 2012

BY PERSONAL DELIVERYSudhir Mandal, Chairman
and Members of the Planning Commission
Milpitas Planning Commission
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035**Re: Comments on Agenda Item IX-1 Site Development Permit,
Conditional Use Permit and Tentative Map Amendment for the
McCandless Mixed Use Project**

Dear Chairman Mandal and Commissioners:

We are writing on behalf of the Milpitas Coalition for Responsible Development ("Coalition")¹ to comment on the Commission's consideration of the McCandless Mixed Use Project ("Project"). The Project proposes to construct 902 dwelling units in four mixed-use buildings with 90,000 square feet of commercial space ("District 1") and 203 townhouse dwellings ("District 2"). Integral Communities ("Applicant") has applied to the City of Milpitas ("City") for approval of a Conditional Use Permit, a Site Development Permit and a Tentative Map Amendment.

Because the City has failed to comply with the California Environmental Quality Act ("CEQA"),² any action by the Planning Commission to recommend approval of development entitlements for the Project would be unlawful.³ On October 21, 2011, the Coalition submitted comments discussing in detail the City's

¹ The Milpitas Residents for Responsible Development is comprised of residents Ricardo Bauzon, Tot V. Tran and Albert Thompson of the City of Milpitas, Plumbers and Steamfitters, Local 393, the International Brotherhood of Electrical Workers, Local 332, Sheetmetal Workers, Local 104 and their members and their families and other individuals that live and/or work in the City of Milpitas.

² Pub. Resources Code, § 21000 et seq.

³ CEQA Guidelines, § 15025, subd. (c).

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failure to comply with the legal requirements of CEQA and the California Water Code. The legal deficiencies identified in our earlier submittal remain applicable to the Project and the actions pending before the Commission, and are attached and hereby incorporated and made a part of this supplemental comment letter.⁴

The purpose of this supplemental comment letter is to address the changes made in the Project and the additional documents and impact analyses disclosed since our October 21 letter. As discussed below, the additional studies and reports prepared by the Applicant's consultants demonstrate that the Project may cause significant impacts to the environment and public health, and will also require the adoption of mitigation measures. These findings support the Coalition's claims that the City is required to present an analysis of these potential impacts in a document meeting CEQA requirements. In addition, changes in the proposed Project are inconsistent with the Transit Area Specific Plan and may cause additional impacts that require analysis and mitigation under CEQA.

We request that the Planning Commission order City Staff to conduct an independent review of the Project's environmental impacts in a CEQA document that is circulated for public comment. We also request that the City require the Applicant to include an affordable housing component as provided in the Milpitas Municipal Code and Transit Area Specific Plan.

We regret that we were unable to submit our supplemental comment letter earlier than today. Although the Staff has attached highly-technical studies and reports to its Staff Report, the Report was not made available to the public until Sunday, February 19. In addition, although we submitted Public Records Act requests for Project-related documents on November 4, February 7 and February 16, we did not receive a number of key documents, such as the November Toxic Air Contaminants Study ("TAC Study"), until February 17. Because the City failed to make relevant documents available to the public in a timely fashion, and because of the three-day holiday weekend, we were not able to prepare and submit this comment letter any earlier.

⁴ See letter from Robyn C. Purchia, Attorney, Adams Broadwell Joseph & Cardozo, to James Lindsay, City of Milpitas (Oct. 21, 2011) (Attachment A); Pub. Resources Code, §§ 21000 et seq; Wat. Code, §§ 10910 et seq.

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I. CEQA REQUIRES THE CITY TO PREPARE, AND THE PLANNING COMMISSION TO REVIEW, A CEQA DOCUMENT PRIOR TO RECOMMENDING PROJECT APPROVAL

A. CEQA requires the Planning Commission to consider the Project's environmental impacts prior to recommending Project approval to the City Council

The Planning Commission must analyze the Project's environmental impacts in a document prepared pursuant to CEQA before recommending Project approval to the City Council. As discussed in our October 21 letter, the Planning Commission's consideration of the proposed Project is a discretionary action that requires CEQA review.⁵ In addition, CEQA specifically requires an advisory body, such as a planning commission, to "review and consider the EIR or Negative Declaration in draft or final form" before making a recommendation to the decision-making body.⁶ The Planning Commission must, therefore, review and consider the Project's impacts in a CEQA document before taking action.

B. The City may not rely on CEQA Guidelines section 15168(d) to find that the Project is "exempt" from environmental review; nor may it rely on the previous PEIR, MND and Addendum without additional environmental review prepared in accordance with CEQA

CEQA Guidelines section 15168 does not support the City's determination that no additional CEQA review of the Project is required. First, the City's claim that the Project is "exempt" from review under section 15168(d) is a misapplication of CEQA law. Second, because evidence exists that the Project will cause impacts to the environment that were not previously analyzed or mitigated, the City must prepare a new "tiered" environmental document that conforms to CEQA requirements.

The statement in the Staff Report that the Project is "exempt" under section 15168(d) is an incorrect application of CEQA law. The CEQA Guidelines contain specific sections that create statutory and categorical exemptions from CEQA review.⁷ Section 15168(d) is not one of those sections. Instead,

⁵ CEQA Guidelines, § 15357.

⁶ CEQA Guidelines, § 15025, subd. (c).

⁷ See CEQA Guidelines, §§ 15260-15285; 15301-15333.

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section 15168(d) governs the process of “tiering.”⁸ Because section 15168(d) does not create a statutory or categorical exemption from CEQA review, the City’s statement that the Project is exempt from CEQA review under this section is incorrect.

In addition, the City may not rely exclusively on the analyses contained in the Transit Area Specific Plan Program Environmental Impact Report (“PEIR”), the 2008 Mitigated Negative Declaration (“MND”) and the 2010 Addendum to disclose, analyze and mitigate the Project’s specific environmental impacts. As discussed in the Coalition’s October 21 letter, “tiering” is appropriate when the sequence of analysis is from an EIR prepared for a program to a site-specific EIR or negative declaration.⁹ CEQA’s tiering process, however, does not excuse the lead agency from evaluating reasonably foreseeable significant environmental effects of a project that had not been previously analyzed.¹⁰ CEQA Guidelines section 15168 specifically states that “[s]ubsequent activities in the program must be examined . . . to determine whether an additional environmental document must be prepared.”¹¹ An agency is required to examine subsequent activities in an Initial Study that informs preparation of a subsequent environmental document.¹²

The PEIR, MND and Addendum relied upon in this case did not contain site-specific analyses of the Project’s impacts to the environment with respect to, for example, traffic, toxic air contaminants and flooding.¹³ Moreover, the City failed to prepare an Initial Study to support its determination. Because Project approval

⁸ The language of the section states: “A program EIR can be used *to simplify* the task of preparing environmental documents on later parts of the program.” (CEQA Guidelines, § 15168(d) (emphasis added).) There is nothing in this language that *exempts* a future project from environmental review. Instead, the language *streamlines* future environmental review by allowing agencies to determine which later activities may have significant effects.

⁹ CEQA Guidelines, § 15152, subd. (b).

¹⁰ *Ibid.*

¹¹ CEQA Guidelines, § 15168, subd. (c) (emphasis added).

¹² Pub. Resources Code, § 21094, subd. (c); CEQA Guidelines, §§ 15063, subd. (c)(1), 15152, subd. (f).

¹³ We have attached excerpts of the Addendum, 2008 Mitigated Negative Declaration and Transit Area Specific Plan EIR demonstrating that the City has not previously analyzed or mitigated impacts to future residents from exposure to toxic air contaminants, nor analyzed the feasibility and effectiveness of mitigation measures. (City of Milpitas, CEQA Addendum (May 26, 2010); City of Milpitas, McCandless Mixed Use Project Initial Study (Nov. 2008); City of Milpitas, Final Environmental Impact Report Milpitas Transit Area Specific Plan (May 2008) (together as Attachment B)).

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would cause significant impacts to the environment that were not previously analyzed, an additional environmental document must be prepared and circulated for public review.

C. The City must prepare, and the Planning Commission must review, a Project-specific environmental review document that is circulated for public review

The City must prepare, and the Planning Commission must review, a Project-specific environmental review document and circulate it for public review. As discussed above, the Planning Commission is required to review and consider an environmental document before recommending approval to the City Council. Additionally, as discussed above, the Planning Commission may not rely on the previously prepared PEIR, MND and Addendum because the Project will cause significant impacts to the environment that were not disclosed, analyzed or mitigated. The City must prepare an Initial Study leading to preparation of a CEQA document such as an EIR or Negative Declaration.¹⁴ The CEQA document must be circulated to the public before the Planning Commission may recommend Project approval.

The City has failed to prepare an Initial Study and failed to prepare an environmental document as required by CEQA. The Staff Report and attached studies and reports submitted by the Applicant's consultants do not comply with the basic requirements of an Initial Study, nor is there any evidence that the conclusions in the Applicant's studies and reports reflect the City's independent judgment.¹⁵ Even if the City does assert that the Staff Report and attachments constitute an Initial Study, the documents present evidence that significant impacts were not disclosed, analyzed and mitigated in the PEIR, MND and Addendum.¹⁶ The Staff Report and attachments further support the Coalition's argument that the City must prepare an environmental document and circulate it to the public for review.¹⁷

The City must comply with the public review requirements of CEQA. CEQA is designed to inform decision makers *and the public* about the potential,

¹⁴ Pub. Resources Code, § 21094, subd. (c); CEQA Guidelines, §§ 15063, subd. (c)(1); 15168, subd. (c).

¹⁵ Pub. Resources Code, § 21082.1, subd. (c); CEQA Guidelines, § 15063.

¹⁶ CEQA Guidelines, § 15063.

¹⁷ *Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 282.

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significant environmental effects of a project.¹⁸ Public participation is “an essential part of the CEQA process” and ensures government accountability.¹⁹ The Public Resources Code specifies the time periods an agency must circulate an environmental review document to the public.²⁰ The City must prepare a document that complies with CEQA and is circulated for public review before the Planning Commission may recommend approval.

The City has failed to comply with the requirements of CEQA. Because the City must prepare an Initial Study that informs its determination of whether to prepare an EIR, MND or ND, the City has not complied with CEQA, and any action by the Planning Commission would be unlawful. The Planning Commission may not recommend approval of the Project to the City Council until it has reviewed and considered a Project-specific environmental document prepared and circulated to the public pursuant to CEQA.

II. SUBSTANTIAL EVIDENCE IN THE RECORD DEMONSTRATES THAT THE PROJECT WILL CAUSE PREVIOUSLY UNANALYZED AND UNMITIGATED IMPACTS TO THE ENVIRONMENT

A. Substantial evidence presented in the Coalition’s October 21 letter remains relevant and demonstrates that the Project will cause previously unanalyzed and unmitigated impacts

The Coalition’s October 21 letter presented evidence and argument that the City must conduct additional environmental review before considering the proposed Project. The PEIR, MND and Addendum anticipated future, Project-level environmental review at the time the Site Development Permit was considered. In addition, substantial evidence exists that the Project would cause impacts to aesthetics, public health, biological resources, traffic and transportation, peak wet weather flows and flooding. Because the City has not prepared an environmental review document that complies with CEQA and the City’s own requirements for this Project review, the evidence presented in our October 21 letter remains relevant.

B. Additional studies and Project changes provide further evidence that the Project may cause significant and previously

¹⁸ CEQA Guidelines, § 15002, subd. (a)(1).

¹⁹ CEQA Guidelines, § 15201; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.

²⁰ Pub. Resources Code, § 21091.

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undisclosed, unanalyzed and unmitigated impacts to the environment

1. The additional studies and reports prepared by the Applicant's consultants demonstrate that the Project may cause significant impacts and require mitigation measures

The Applicant's consultants prepared a focused traffic study, 2007 Arborist Report, TAC Study and a Flood Study. There is also a study and emails between consultants and the City discussing peak wet weather flow impacts. These documents contain evidence that the Project will cause impacts to the environment that were not previously disclosed, analyzed and mitigated in the PEIR and MND.

For example, Haley & Aldrich prepared a TAC Study for the Milpitas Project Owner, LP. The Study found that future residents on the Project site would be exposed to significant cancer-causing emissions.²¹ TJKM Transportation Consultants also submitted a Comparative Trip Generation Analysis to the Applicant that demonstrates that the Project would increase traffic in the Project region.²² While there is no discussion of the significance of this increase, the Trip Generation Analysis recommends transportation improvements to reduce impacts.²³ There are also communications between V&A Engineering and the City concluding that while peak wet weather flows may not be "horrific," there is no data that would allow the City to determine the significance of a 5-year rainfall event.²⁴

These additional studies and reports constitute further evidence that the proposed Project will have significant impacts that were not disclosed, analyzed and mitigated in the PEIR, MND and Addendum. The Planning Commission must order Staff to prepare and circulate a CEQA document that addresses these potential impacts and proposes mitigation measures.

²¹ Haley & Aldrich, Report on Toxic Air Contaminants Analysis Proposed McCandless Development Project, Milpitas, California (Nov. 2011), p. 4.

²² Letter from Andrew Kluter, Project Manager, TJKM Transportation Consultants, to Glenn Brown, VP Entitlements, Integral Communities (Feb. 16, 2012).

²³ *Id.* at p. 2.

²⁴ Memorandum from Matt Hoefft, RMC Water and Environment, to Marilyn Nickel, City of Milpitas (Sept. 29, 2011); email from Kevin Krawjewski, V&A Engineering, to Marc Nakamoto, RMC Water and Environment (Feb. 8, 2012) (together as Attachment C).

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2. Project changes deviate from the Milpitas Municipal Code and Transit Area Specific Plan and may cause additional impacts to the environment

The Applicant has requested an “exception” to the Transit Area Specific Plan’s setback requirement. The setback exception is inconsistent with the Specific Plan and may cause additional impacts to public health. Under CEQA, agencies are required to analyze whether a proposed Project is consistent with applicable land use plans.²⁵ An inconsistency with an applicable land use plan may mandate a finding of significance under CEQA.²⁶ In this case, the Project’s inconsistency with the setback requirements of the Transit Area Specific Plan, combined with the findings of the TAC Study that the Project may adversely affect public health, requires the City to disclose, analyze and mitigate the Project’s impacts.

The TAC Study finds that future residents within 427 feet of the northern property boundary and within 98 feet of the western property boundary will be exposed to a cancer risk from vehicle and railroad emissions at levels that exceed both the Transit Area Specific Plan policies and the Bay Area Air Quality Management District regulatory threshold.²⁷ Despite these findings, the Applicant proposes to further decrease the setback from the northern and western property boundary.²⁸ The reduced setbacks would place future residents even closer to harmful emissions.

Because of the conflict with the Transit Area Specific Plan, the Planning Commission may not take action on the Project until it has complied with CEQA. There is no evidence that the City has conducted an independent environmental review of this impact. In addition, the public has not had an opportunity to review and comment on this potentially significant impact. The Planning Commission may not legally recommend approval to the City Council without reviewing an environmental document that has been prepared in compliance with CEQA and circulated to the public.

²⁵ CEQA Guidelines, § 15063, subd. (d)(5).

²⁶ See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 182 Cal.App.4th 1170.

²⁷ Haley & Aldrich, Report on Toxic Air Contaminants Analysis Proposed McCandless Development Project, Milpitas, California (Nov. 2011), p. 4.

²⁸ See Staff Report, p. 1.

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III. THE CITY SHOULD REQUIRE THE APPLICANT TO INCLUDE AN AFFORDABLE HOUSING COMPONENT

The City should require the Applicant to include an affordable housing component in the Project. Under the Milpitas Municipal Code, “affordable housing units should be provided in all new housing projects” at a minimum of 20 percent.²⁹ The Transit Area Specific Plan also includes express policies providing for the integration of affordable housing into new housing developments.³⁰

In August 2010, the Applicant entered into an Owner Participation Agreement with the City to provide 15 percent of the total residential units as restricted units for moderate-income persons, families and households.³¹ In January 2012, however, the Applicant terminated the Agreement, which canceled the below-minimum affordable housing component of the Project.³² No explanation was provided for the cancellation.

The City should require the Applicant to include an affordable housing component to the Project. This would effectuate the policies of the Transit Area Specific Plan and the Milpitas Municipal Code. As the Transit Area Specific Plan states “providing a notable amount of affordable housing in the Transit Area . . . will go a long way towards meeting the needs of [Milpitas] residents, as well as those of the Bay Area.”³³

²⁹ Milpitas Municipal Code, § XI-10-6.03.

³⁰ Transit Area Specific Plan, p. 3-16.

³¹ Owner Participation Agreement by and between the Redevelopment Agency of the City of Milpitas and Integral Communities McCandless (Aug. 3, 2010) (on file with the City).

³² Letter from C. Evan Knapp, Integral Communities, to Diana Barnhart, City of Milpitas (Jan. 26, 2012) (on file with the City).

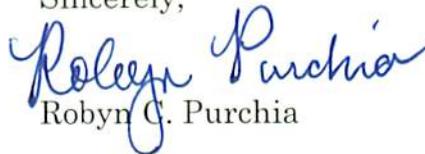
³³ Transit Area Specific Plan, p. 3-15.

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IV. CONCLUSION

For the reasons stated above, the City must prepare a CEQA review document before the Planning Commission may recommend approval to the City Council. The City should also require the Applicant to include an affordable housing component. We respectfully request that the Planning Commission deny the Applicant's request and order City Staff to prepare an environmental review document that complies with California law.

Sincerely,



Robyn C. Purchia

RCP:vs
Attachments
cc: Sheldon Ah Sing

ATTACHMENT A

Adams Broadwell Joseph & Cardozo Letter dated October 21, 2011

See Attachment G in Packet

ATTACHMENT B

CEQA ADDENDUM

Mitigated Negative Declaration No. EA08-0005 for McCandless Mixed Use Project

May 26, 2010

City of Milpitas
Planning Division
455 E. Calaveras Boulevard
Milpitas, CA 95008

Staff contact: Sheldon S. Ah Sing, Senior Planner, (408) 586.3278

SUMMARY OF THIS DOCUMENT

This addendum assesses the environmental impact(s) of changing the scope of the development in association with the project located at 1315 McCandless Dr. (APNs: 086-33-092 through -095, 086-33-098 through -099 and 086-33-101), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.).

The City of Milpitas, as the lead agency under CEQA, will consider the potential environmental impacts of changing the scope of the project listed above when it considers the project in its entirety. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA Guidelines. The Addendum does not recommend approval or denial of the proposed refinements to the Project. The fundamental conclusion of this addendum is that the proposed changes to the Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the Mitigated Negative Declaration EA08-0005. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an (EIR) if there are any new significant environmental effects associated with the refined project. With respect to the Project, the refinements are only minor technical changes and do not result in any new significant environmental effect(s); therefore, the refined Project does not require an EIR. Therefore, this addendum analyzes the Project refinements as required under the CEQA Guidelines, Sections 15162 and 15164.

BACKGROUND

Mitigated Negative Declaration No. EA08-0005 was drafted to analyze the potential environmental impacts of future development resulting from an additional 25% of density than the maximum allowed for the site. In accordance with the Transit Area Specific Plan, the site

CEQA Addendum for McCandless Mixed Use Project

may obtain a 25% density bonus beyond the 50 dwelling units per gross acre maximum if additional environmental review is undertaken in conjunction with the approval of a Conditional Use Permit. The Negative Declaration analyzed the impacts on transportation, public services, land use and other pertinent areas.

The project analyzed in the Negative Declaration proposed 1,573 dwelling units. For the project to reach that density amount, the project needed to receive a transfer in density from an adjacent park site to the south (zoned residential), the transit density bonus (25%) and the affordable housing density bonus (10%). In addition, the Negative Declaration originally indicated that the project was proposing approximately 75,000 square feet of commercial.

UPDATED PROJECT DESCRIPTION

In recent months the project scope has changed. The project would have benefited from the transfer of density from an adjacent park site. The City's Redevelopment Agency was to purchase the 4.81 acre site and with the terms of the proposed Development Agreement, the development rights (density) would have been transferred to the project site. The Agency is not purchasing the site and thus the density will not be transferred.

- The project proposes 1,328 dwelling units and approximately 92,000 square feet of commercial space.

PROJECT IMPACTS

The additional commercial space is within the maximum range of what was expected to be developed on the site when the original EIR was analyzed and certified for the Transit Area Specific Plan. It is not expected that any environmental impacts would occur beyond what was already identified in the EIR.

PLANNING AND DEVELOPMENT DEPARTMENT FINDINGS

It is the finding of the Planning Division that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required for the issue areas discussed above. Discretionary processing of the Integral Mixed Use Project may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

McCandless Mixed Use Project

Application No.
SZ07-0004
MT08-0002

Initial Study

City of Milpitas

November 2008

4.3 AIR QUALITY

Setting

Local and Regional Air Quality

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NO_x) sulfur dioxide, and particulate matter.

Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no close receptors in close proximity to the project site.

Environmental Checklist and Discussion of Impacts

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13

AIR QUALITY					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,13
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

TASP EIR

The BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting. Under the TASP EIR, 7,000 housing units were anticipated to be built. Based on the density calculations for this site, 1,573 units can be built. Under the TASP EIR, vehicle trips for this type of project were anticipated at eight trips per day. While this would generate a total of 12,584 vehicle trips, the site would be credited the vehicle trips generated by the industrial uses. The TASP EIR already analyzed this potential impact. This project is within the scope of the EIR for the TASP.

Long-Term Air Quality Impacts

BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. According to the BAAQMD CEQA guidelines, a project that generates more than 80 pounds per day of ozone precursors (i.e., reactive organic gases (ROG) and nitrogen oxides) is considered to have a potentially significant impact on regional air quality. On an annual basis, the threshold is 15 tons per year.

For a project that does not individually have significant operational air quality impacts, the determination of a significant cumulative air quality impact is based upon an evaluation of the consistency of the project with the local general plan and of the general plan with the most current Clean Air Plan (CAP).

Short-Term Air Quality Impacts

Construction-related air quality impacts associated from the proposed project would be the result of dust creating activities and exhaust emissions of construction equipment. Due to

the negligible amount and short duration of these impacts, all are considered to be less than significant, except for the activities generating dust.

Construction activities such as demolition, excavation and grading operations and construction vehicles driving over and wind blowing over exposed earth, generate fugitive particulate matter that will affect local and regional air quality. The effects of these dust generating activities will be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust also has the potential for creating a nuisance at nearby properties. If uncontrolled, dust generated by construction activities could be a significant impact.

Impacts Identified under the Transit Area Specific Plan EIR

1. New development under the proposed Plan could increase population and vehicle miles traveled in the area at a rate greater than that assumed in regional air quality planning and therefore conflict with the implementation of the Bay Area Ozone Strategy. **(Significant and Unavoidable)**

The City Council adopted a Statement of Overriding Considerations related to Air Quality Impact 1.

Mitigation Measures:

AIR-1: The proposed project includes the following mitigation measures to reduce project construction impacts to a less than significant level.

- BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices shall be implemented during construction of the proposed project:
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two 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 site.
 - 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.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - Install sandbags or other effective erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

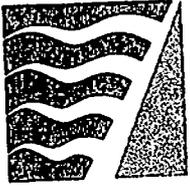
Conclusion

While the development under the entire Transit Area Specific Plan Plan could increase population and vehicle miles traveled in the area at a rate greater than that assumed in regional air quality planning and therefore conflict with the implementation of the Bay Area Ozone Strategy, the proposed project would not result in significant long-term regional or local air quality impacts. Short-term air quality impacts associated with construction would be reduced to less than significant levels with the implementation of standard construction measures and mitigation measures. **[Less Than Significant Impact with Mitigation]**

Final Environmental Impact Report
MILPITAS TRANSIT AREA SPECIFIC PLAN

MAY 2008

State Clearinghouse No. 2006032091



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955**

ALAMEDA COUNTY
Tom Bates
Scott Haggerty
Janet Lockhart
Nate Milley

CONTRA COSTA COUNTY
John Giola
Mark Ross
(Chair)
Michael Shimansky
Gayle B. Ullkema

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Chris Daly
Jake McGoldrick
Gavin Newsom

SAN MATEO COUNTY
Jerry Hill
(Vice-Chair)
Carol Klatt

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Yoriko Kishimoto
Liz Kniss
Patrick Kwok

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torlatti
(Secretary)

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

December 20, 2007

Scott Gregory
Contract Planner to the City of Milpitas
c/o Veronica Bejines
Milpitas Planning Division
455 East Calaveras Blvd.
Milpitas, CA 95035

Subject: Draft Environmental Impact Report for Milpitas Transit Area Specific Plan

Dear Mr. Gregory:

Bay Area Air Quality Management District (District) staff have reviewed the draft Milpitas Transit Area Specific Plan (Plan) and the Draft Environmental Impact Report (DEIR) for the Plan. We understand that the Plan proposes to develop 437 acres of industrial land in central Milpitas into a mixed use transit oriented area with high density housing. Implementation of the Plan will result in development of up to 7,100 new residential units supporting approximately 18,000 new residents, approximately 1 million of square feet of new office space, 285,000 square feet of retail space, and 175,000 square feet of hotel space.

The DEIR characterizes Impact 3.6-6, exposure of sensitive receptors to toxic air contaminants (TAC), as less than significant. In addition, the DEIR states that "the greatest level of exposure to TAC would be from short term construction related emissions." The DEIR, however, provides no scientific analysis or impact evaluation to support these statements. The DEIR should have identified existing sources of TAC (i.e., major roadways, existing industrial operations, train operations) within the Plan area and their proximity to existing and future sensitive populations. An analysis should have been prepared to determine if future sensitive populations will be adversely impacted (above District significance thresholds) from TAC and to identify policies that could be included in the Plan to mitigate these potentially significant impacts. The only mitigation proposed to address TAC is Policy 5.23 (DEIR, p. 3.6-27), which requires project sponsors to inform future and/or existing sensitive receptors of potential health impacts associated with TAC. This Policy does not provide any mitigation to reduce this potentially significant impact.

3-A

3-B

Save the Air

December 20, 2007

Mr. Scott Gregory

Please contact Nadine Wilmot, Environmental Planner, at (415) 749-5074 or at nwilmot@baaqmd.gov, if you have any questions regarding these comments.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director Erin Garner
BAAQMD Director Yoriko Kishimoto
BAAQMD Director Liz Kniss

3. Response to Bay Area Air Quality Management District

- 3-A:** This comment is a description of the project. It does not pertain to the adequacy of the Draft EIR, and as such no EIR text revisions are necessary.
- 3-B:** According to the BAAQMD CEQA Guidelines, for local plans to have a less than significant impact with respect to potential odors and/or toxic air contaminants, buffer zones should be established around existing and proposed land uses that would emit these air pollutants. Buffer zones to avoid odors and toxics impacts should be reflected in local plan policies, land use map(s), and implementing ordinances (e.g., zoning ordinance). Table 3-B, Project Screening Trigger Levels for Potential Odor Sources, or the BAAQMD CEQA Guidelines provides BAAQMD recommended buffer zones to avoid exposure to odors and would also apply to TAC sources. The table includes wastewater treatment plans, sanitary landfill, transfer station, composting facility, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass manufacturing, painting/coating operations, rendering plant, and coffee roaster. None of these uses exist within or adjacent to the planning area. However there could be toxic air contaminants from major roadways, train operations, and/or existing industrial operations, which could affect future residential development and other sensitive receptors.

Table 3-B: BAAQMD Recommended Buffer Zone Distances for Potential Odor Sources

<i>Type of Operation</i>	<i>Buffer Zone</i>
Wastewater Treatment Plant	1 mile
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shops)	1 mile
Rendering Plant	1 mile
Coffee Roaster	1 mile

Source: BAAQMD CEQA Guidelines 1999.

Final Environmental Impact Report

The Specific Plan already includes policies to buffer new sensitive receptors and new residential development from existing industrial uses. This will be added to Section 3.6, page 3.6-27, of the Draft EIR.

Policy 5.18: Day care facilities, schools, nursing homes, and other similar receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.

Policy 5.19: Require the installation of temporary buffers – fences, walls, or vegetation, when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed in and when an adjacent site is redeveloped as a non-industrial use.

To further address potential impacts related to toxic air contaminants, page 3.6-26 of the Draft EIR text is hereby revised as follows and the following mitigation measures have been added to the Plan and the Draft EIR which would serve to reduce exposure of sensitive receptors to TAC emissions to less than significant levels:

Impact

3.6-6 Implementation of the proposed Plan would expose sensitive receptors to toxic air contaminants. (Less than Significant)

In addition to criteria pollutant emissions, a variety of pollutant or toxic air emissions (TACs), such as diesel exhaust, industrial operations, train operations, and those from dry cleaning facilities, could also be released from various construction and operations associated with the proposed Plan. TACs are considered under a different regulatory process (California Health and Safety Code section 39650 et seq.) than pollutants subject to State Ambient Air Quality Standards as discussed above. Health effects associated with TACs may occur at extremely low levels. It is often difficult to identify safe levels of exposure, which produce no adverse health effects. The California Air Resources Board has declared that diesel particulate matter from diesel engine exhaust is a TAC, and the California Office of Environmental Health Hazard Assessment has determined that chronic exposure to particulate matter can cause carcinogenic and non-carcinogenic health effects. These health risks from TACs result from concentration and duration of exposure. While short-term construction related emissions which would affect a given area for a period of days or weeks, as discussed in Impact 3.6-3 above, vehicle diesel exhaust, rail operation, and facility operations would persist in the Planning Area, ~~the greatest level of exposure would be~~

Milpitas Transit Area Specific Plan

In addition, all new development under the proposed Plan would be subject to further CEQA review to evaluate project-level impacts of odors and toxics specific to their site, time and project description and to avoid potential conflicts in land uses. Analysis of potential impacts conducted would include both the following situations: 1) sources of odorous/toxic emissions locating near existing sensitive receptors, and 2) receptors locating near existing odor/toxics sources.

In traffic-related studies, additional health risk attributable to proximity to major roadways was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about 70 percent drop off in particulate pollution levels at 500 feet. A new policy will be added in Section 5.4 of the Plan, and cited in the section describing Impact 3.6-6 in the Draft EIR, which requires future project level TAC analysis and possible upgraded ventilation systems. With full compliance with BAAQMD's construction BMPs, the new policy which requires future project level TAC analysis and possible upgraded ventilation systems, and Policy 5.23, which requires new residential developers to inform future residents of TAC related health effects and the potential for exposure, this impact would be less than significant.

- New Policy: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities with inpatient services.

ATTACHMENT C



DRAFT Technical Memorandum

City of Milpitas - Sewer Modeling

Subject: Transit Area Sewer Pipeline (11A and 11B) Capacity Analysis

Prepared For: Marilyn Nickel

Prepared by: Matt Hoeft

Reviewed by: Marc Nakamoto

Date: September 29, 2011

Reference: 0051-016

Executive Summary

According to flow monitoring data, the current ADWF in the Transit Area at Sites A, B, C, and D are all significantly lower than previous estimates developed as part of the 2004 Master Plan. This is consistent with the understanding that the area is generally vacant from previous conditions. However, despite these low flows, the RDI/I from the design storm still produces significant peak flows, which restricts new connections from being added without some improvements. Based on model results, the study findings are:

- A flow bottleneck in S. Main Street exists that limits the potential to added new connections. The 12-inch at the intersection of Great Mall Parkway and the two 18-inch segments immediately downstream should be upsized to 21-inch pipelines. With these upgrades, the model indicates that the excess capacity under peak wet weather flow conditions would be 0.72 mgd. Additional base flow above 0.72 mgd would require other downstream segment in S. Main Street to be upsized.
- The 10-inch sewer in Great Mall Parkway that serves servers Montague Expressway needs to be improved prior to any additional connections.
- The 10 inch sewer serving McCandless has 0.51 mgd of available capacity assuming the downstream capacity issue on S. Main Street (first bullet above) is addressed.
- RDI/I is a major flow component during the design storm event. The data set used for the RDI/I analysis was limit and RDI/I factors may conservative. Wet weather flow monitoring in the specific study area may provide a better understanding of the RDI/I impacts and may delay or reduce the level of collection system improvements necessary.

1 Background

The Transit Area of the City of Milpitas has entered a transition phase between its previous land uses and the proposed future development as defined in the Transit Area Specific Plan. Many of the businesses previously located in the Transit Area have shut down and moved, resulting in a subsequent drop in sewer flows and leaving the area's collection system with significant excess capacity. With this available excess capacity, the proposed sewer improvement projects as described in the 2009 Milpitas Sewer Master Plan can potentially be postponed until further development occurs.

With this in mind, a developer has requested that the City investigate how many dwelling units can be occupied in the Transit Area before the capacity of the sewer mains is exceeded. This will provide development phase flexibility as the transit area is developed.

2 Objectives

This technical memorandum (TM) will summarize the analysis intended to accomplish the following objectives:

1. Determine current base wastewater & groundwater infiltration flows at four monitoring points in the Transit Area.
2. Determine the excess capacity available in the pipelines in the Transit Area (and any downstream bottleneck).
3. Determine the number of dwelling units that can be constructed and occupied before any sewer pipeline improvements must be implemented.

3 Methodology

The analysis consists of two primary steps, as described below.

3.1 Flow Monitoring

Four locations were selected for monitoring of sewer flows in the Transit Area, as shown in Figure 1 below.

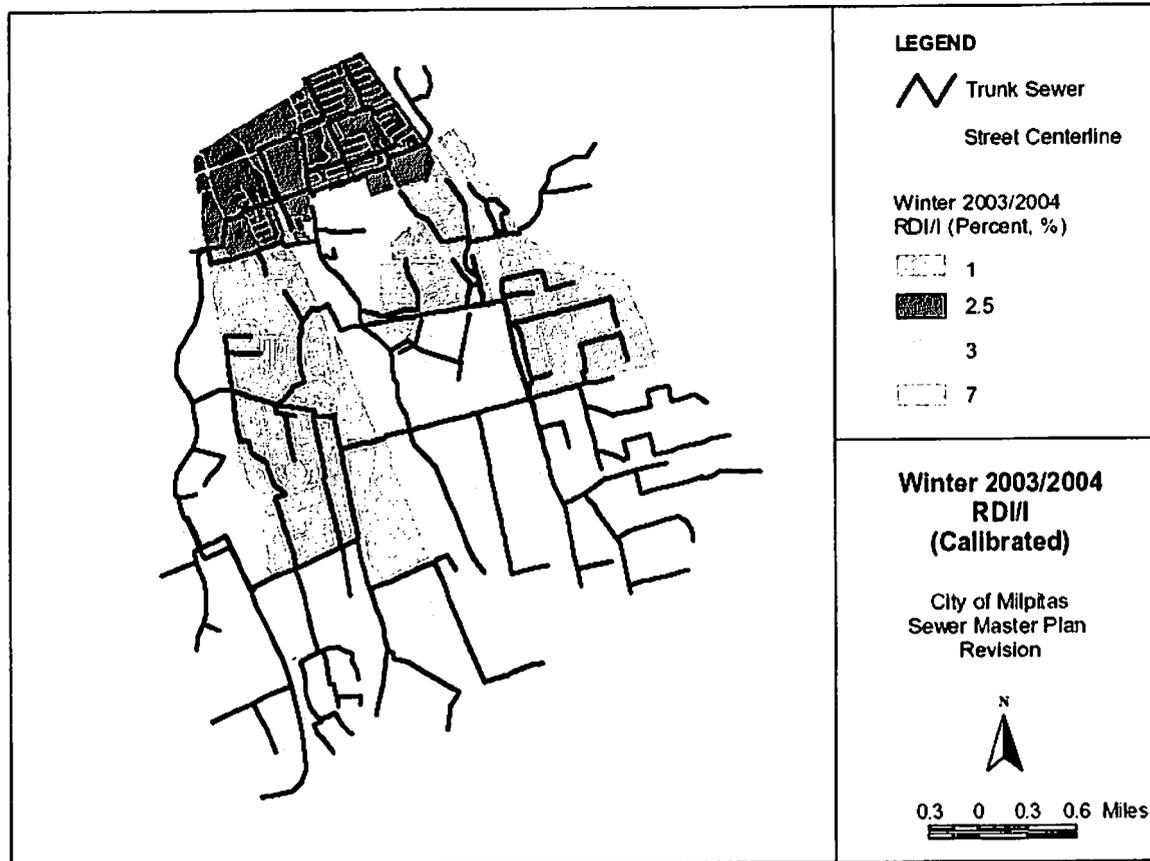
Figure 1 – Flow Monitoring Locations



Flow monitoring equipment was set up at each of the four sites and data were logged for one week starting on August 29 through September 4, 2011. The data provides insight into the existing average dry weather flow (ADWF) in the collection system. ADWF is the combination of base wastewater flow (BWF) and groundwater infiltration (GWI). The data are averaged over weekdays and weekends to develop diurnal curves for each condition.

The flow monitoring activities and data are summarized in Attachment A – Sanitary Sewer Flow Monitoring and Capacity Analysis: City of Milpitas. Monitored ADWF are illustrated in Figure 2.

Figure 5 – RDI/I Areas from 2004 Master Plan

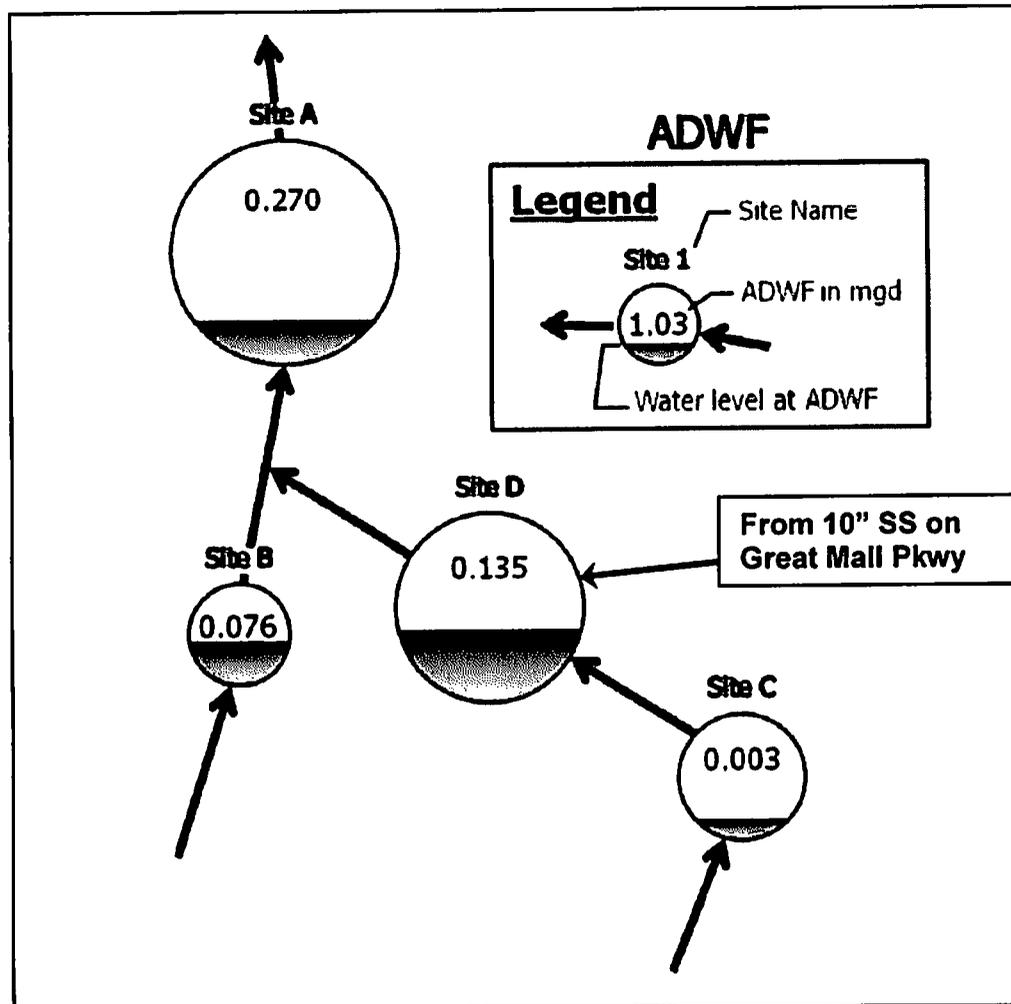


Due to the level of RDI/I flows predicted, a review of the RDI/I evaluation for the area was completed and the following observations were made.

- The RDI/I for the study area (Figure 5, Pink area) were based on two fairly small rainfall events. Ideally, larger rain events lead to better understanding of RDI/I and more accurate results.
- Based on other experience in the region, the RDI/I rate in the area is thought to be conservative, which is likely due to the limited data set available from 2004 flow monitoring.
- As illustrated in Figure 5, RDI/I rates were applied over fairly large areas. This is a function of available data and likely results in less accurate RDI/I rates when studying smaller subbasins.

The RDI/I rates are thought to be conservative and actual conditions in the collection system may vary from current model inputs. Because of the data limitation of previous wet weather monitoring, it may be beneficial to do wet weather monitoring within the Study area sub-basin to get a better understanding of how rainfall impacts the collection system. Results may show that there is more excess capacity than the model currently predicts.

Figure 2 – 2011 Flow Monitoring Results



3.2 Model Assumptions and Update

Based on the flow monitoring data, the flow files in the model were updated to reflect the current ADWF for the study area. The updated model was then used in combination with the design storm event and the previously defined rainfall infiltration and inflow (RDI/I) to evaluate the collection system.

Assumptions for the modeling effort include:

- The base land use data for parcels outside the study area (i.e. study area is tributary area to the four monitoring sites (A, B, C, and D)) were assumed to be the existing conditions land use from the 2004 Master Plan.
- Land use/residential density data within the study area (portion of Transit Area) was modified to match existing flows. Any recommendations for allowable development given in this TM assume that no additional development occurs concurrently that would compromise the capacity in downstream segments.
- Rainfall Dependent Infiltration and Inflow (RDI/I) is the same as previously modeled. The design storm (10-year, 4-hour storm over the entire basin), and the peak storm flow (rainfall inflow) coinciding with the peak dry weather flow (BWW & GWI).

City of Milpitas - Sewer Modeling

Transit Area Sewer Pipeline (11A and 11B) Capacity Analysis

DRAFT

- The reductions in flow in the Transit Area due to vacancy of existing buildings are generally considered permanent until redevelopment occurs. Flows will only increase with new development in Transit Area. Therefore, data from flow monitoring will be considered the baseline for assessing available capacity.
- Available capacity shall be based on full pipe capacity rather than a factor of 1.2 surcharge to provide for safety factor relative to the capacity analysis. The basis for this assumption is that additional deterioration of existing infrastructure may have occurred since the original wet weather flow monitoring and model calibration was completed.
- Master Plan flow and persons per dwelling unit factors shall be used to assess the number of units that could be added before improvements are made. Base wastewater flow generation is 90 gallons per day per capita (gpd/person). This BWW flow factor is for weekend flows, which govern as they are more conservative.
- The flow monitoring data were reviewed and indicated lower levels of GWI. However, GWI inputs in the model were not changed as the recent flow monitoring was conducted during the driest part of the year, which likely means that groundwater levels are at their lowest level.
- Storm timing was delayed by 4 hours, so that the peak of the rainfall inflow matches the peak of the dry weather flow (BWW and GWI).
- Diurnal flow curves were the same as those used in the 2009 Master Plan for modeling development.
- During the evaluation of the study area, the characteristics of the 12-inch pipeline segment (part of Project 11A in the 2009 Master Plan) in South Main Street were investigated further as this pipeline represents a major bottleneck in the system. City records indicated a greater pipeline slope for the pipeline segment than what was included in the model. The model was revised accordingly.

The first step in the evaluation was revising the existing flow in the study area to represent monitored flow. The model flow files were adjusted accordingly to obtain reasonable agreement between monitored data and model results. The existing base flow in the service area was assumed to be residential.

Table 1 summarizes the 2004 Model Existing ADWF versus the 2011 Model Existing ADWF and change in the ADWF.

Table 1: 2004 vs. 2011 Model Existing ADWF

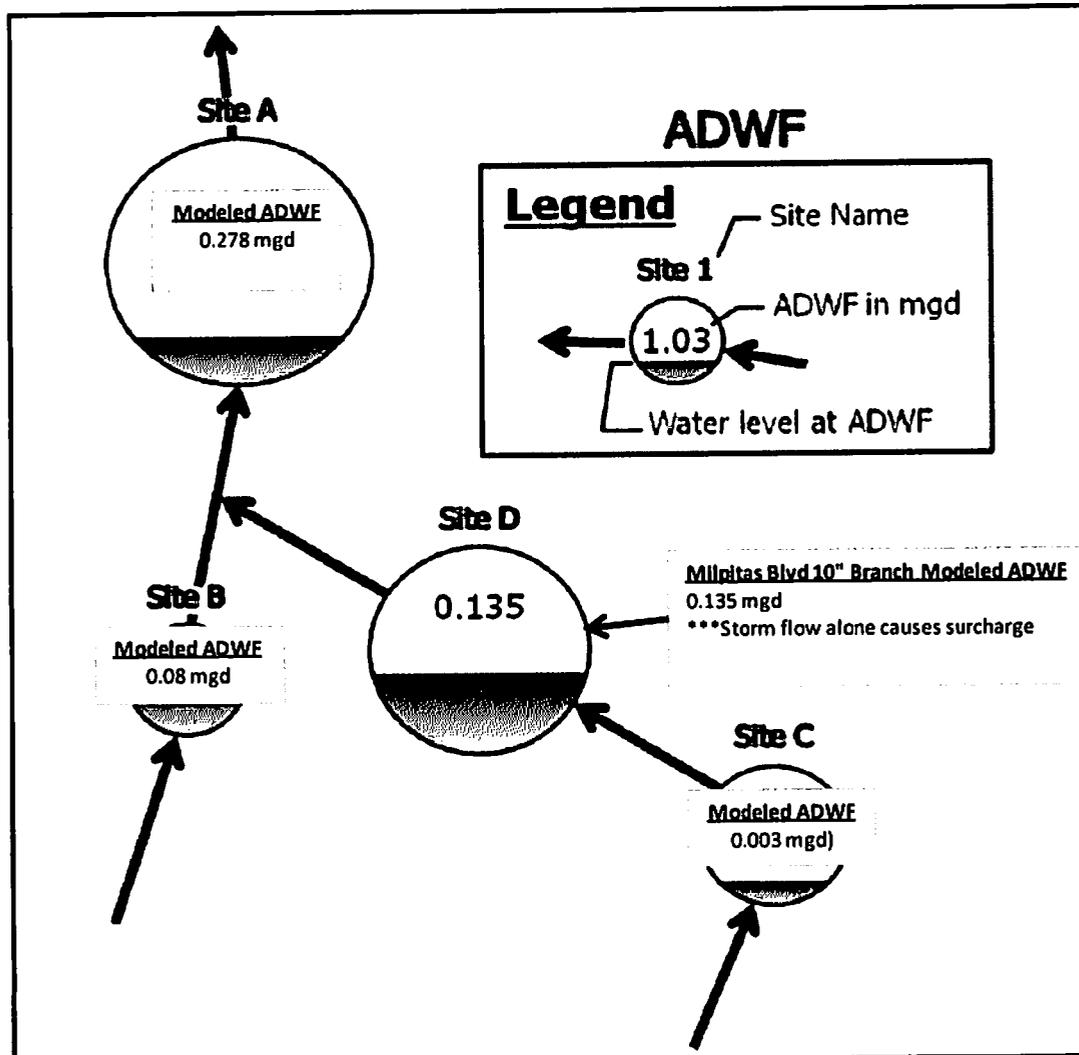
Study Area Site	2004 Model Existing ADWF (mgd)	2011 Model Existing ADWF (mgd)	Flow Change from 2004 to 2011 (mgd)
Site A – 18" S. Main St.	0.552	0.278	-0.274
Site B – 8" S. Main St.	0.051	0.080	+0.029
Site C – 10" McCandless	0.069	0.003	-0.066
Site D – 15" Great Mall	0.494	0.138	-0.356
10" Great Mall Parkway	0.425	0.135	-0.290

Notes:

1. The "2011 Model Existing ADWF" does not match exactly with the monitoring data ADWF as the calibration was completed to match modeled peak flow to monitored peak flow. Modeled ADWF is reasonable for this planning study.

The 2011 Model Existing ADWF scenario is illustrated in schematic form in Figure 3 below.

Figure 3 – Initial Scenario Assumptions



Notes:

- The "2011 Model Existing ADWF" does not match exactly with the monitoring data ADWF as the calibration was completed to match modeled peak flow to monitored peak flow. Modeled ADWF is reasonable for this planning study.

4 Model Results and Findings

Table 2 summarizes the model results for the study area and identifies the capacity limiting pipe segments (See Figure 4 for the location of segments). The results indicate that despite the reduction in ADWF, the rainfall dependent I/I is the primary factor that impacts capacity in the study area. More specific findings include:

- Along S. Main Street, a 12-inch segment at the intersection to Great Mall Parkway is the limiting segment (part of project 11A from the 2009 Master Plan. This segment has a limited capacity of 1.13 mgd (1.76 cfs) compared with 18-in diameter segments immediately downstream, which receive approximately the same flows as the 12-inch. There is **no excess capacity** in this 12-inch segment assuming no further surcharge above full pipe capacity.
- Immediately downstream of the 12-inch segment are two 18-inch segments where capacity is also exceeded by 0.32 and 0.37 mgd respectively.

City of Milpitas - Sewer Modeling

Transit Area Sewer Pipeline (11A and 11B) Capacity Analysis

DRAFT

- The 10-inch pipe along Great Mall Parkway that serves Montague Expressway connections and drains to monitoring Site D exceeds its capacity due to RDI/I. Therefore, there is no excess capacity available in this pipe.
- The 8-inch pipe downstream and upstream of the Site B modeling data also exceeds capacity under this scenario with RDI/I. The capacity of the limiting segment within this pipe is 0.39 mgd (0.61 cfs), and the peak wet weather flow is 0.40 mgd (0.62 cfs). Therefore, there is no excess capacity available in this pipe.
- The 10-inch sewer serving McCandless Drive (site C monitoring point) was added to the model as this is the proposed area to be developed. This 10-inch line is estimated to have up to 0.51 mgd of excess flow capacity contingent on downstream improvements described above.

Table 2 – Capacity Analysis Results for Limiting Pipe Segment (See Figure 4 for Pipe Locations)

A	B	C	D	E	F	G	H (F-G)
Limiting Segment (SY_NAME)	Corresponding Monitoring Location	Master Plan Project	Diam. (in)	Peak Dry Weather Flow (Monitored) (mgd)	Peak Wet Weather Flow (mgd)	Limiting Segment Pipe Capacity (mgd)	Excess Capacity (mgd)
36301 ¹	Site A	11A	12	0.48	2.07	1.13	(-)0.94
36306	Site B	11D	8	0.16	0.40	0.39	(-)0.01
51002 ²	Site C	None/11B ³	10	0.008	0.09	0.60	0.51
36305	Site D	11B	10	0.21	1.26	0.73	(-)0.53

Notes:

1. Immediately downstream of the 12-inch segment are two 18-inch segments where capacity is also exceeded by 0.32 and 0.37 mgd respectively.
2. Site C (10" McCandless Drive) flows are connected to the pipe with SY_Name 36304 in the model. This is a new pipeline segment that was added to the model as part of this effort.
3. Flows from Site C affect project 11B. There were no recommended improvements of the 10" pipe in McCandless Drive in the previous Master Plans.

Robyn C. Purchia

From: Marc Nakamoto [MNakamoto@rmcwater.com]
Sent: Thursday, February 09, 2012 4:26 PM
To: Marilyn Nickel
Cc: Fernando Bravo; Sheldon AhSing; Kathleen Phalen
Subject: RE: Milpitas Wet Weather Flow Monitoring
Attachments: Transit Area (11A 11B) Capacity Analysis TM_DRAFT_092911.docx

Marilyn,
Just wanted to confirm, I can release this TM right? Or did you just want me to release specific data for the monitoring points?
Marc

From: Marilyn Nickel [mailto:mnickel@ci.milpitas.ca.gov]
Sent: Thursday, February 09, 2012 4:24 PM
To: Marc Nakamoto
Cc: Fernando Bravo; Sheldon AhSing; Kathleen Phalen
Subject: RE: Milpitas Wet Weather Flow Monitoring

Hi Marc - the data has not been submitted to the City yet. I am now receiving some other emails from the Integral project manager. It sounds like RJA is waiting for the City to give an ok for RMC to release model data. If so, you are authorized to release the data. Marilyn

From: Marc Nakamoto [mailto:MNakamoto@rmcwater.com]
Sent: Thursday, February 09, 2012 8:50 AM
To: Marilyn Nickel
Subject: FW: Milpitas Wet Weather Flow Monitoring

Hi Marilyn,
See the email chain down below. Looks like the City may have the latest flow data. We would like to check out the data if you have it available to see what it looks like. The rain event highlighted below is decent although this year soil saturation is not very good. Hopefully it would be good enough to justify a model update. Beyond that as Kevin states the outlook for rain is not very good.
Let me know if you have access to the data.
Thanks,
Marc

From: Kevin Krajewski [mailto:kkrajewski@vaengineering.com]
Sent: Wednesday, February 08, 2012 3:03 PM
To: Marc Nakamoto
Subject: RE: Milpitas

My only contact was with Ben Shick of S&W – I don't know about the City personnel involved. This all happened in the last few hours or so. From my email to Ben:

Neither site had a large infiltration/inflow response to the rainfall events. Site 1 shows a slight inflow response to the peak rainfall intensity hours that occurred on 1/20 at 11PM and 1/21 at 12AM.

...The two consecutive peak hours of rainfall intensity were decent for the Milpitas area; unless historical data/information would indicate otherwise, given the response of these sites it does not appear that the collecting basins have relatively high I&I issues.

Obviously, the rainfall this year has been pretty darn bad. However, there were two consecutive hours during the 1/20 to 1/21 event that measured 0.22 and 0.15 inches – nearly ½ an inch over 2 hours... there was a little response but not much. Normally, I'd wish for a series of storms to have better soil saturation conditions, but this is the kind of year we are having for rain.

I'd say it is somewhat meaningful – it probably proves that the I&I is not horrific for relatively small events – and given that the forecast is pretty bleak, not sure they wanted to pay for the extensions. I don't think the data can predict what would really happen during, say a 5-year rainfall event...

Hope this helps...

From: Marc Nakamoto [mailto:MNakamoto@rmcwater.com]
Sent: Wednesday, February 08, 2012 2:42 PM
To: Kevin Krajewski
Subject: RE: Milpitas

Was Marilyn Nickel for the City in on the discussion?

Also, do you know if the rainfall in Milpitas was significant enough for the flow data to be meaningful?

From: Kevin Krajewski [mailto:kkrajewski@vaengineering.com]
Sent: Wednesday, February 08, 2012 2:39 PM
To: Marc Nakamoto
Subject: Milpitas

We have submitted the latest batch of data (through last night) with the rainfall information to S&W and to the City. They have decided that they do not require additional monitoring from the S&W project and we are planning to remove the meters later this week. I'm assuming that maybe this means you will not require flow monitoring, but I thought I'd give you a heads up. Please let me know if you think you'll need flow monitoring for Milpitas.

Thanks!
Kevin