MILPITAS CITY COUNCIL AGENDA
TUESDAY, MAY 7, 2013

455 EAST CALAVERAS BLVD, MILPITAS, CA
6:00 P.M. (CLOSED SESSION) ● 7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL
Pursuant to Govt. Code Section 54956.9
Existing Litigation: Sacramento County Superior Court, case no. 34-2013-80001436, County of Santa Clara, Vinod K. Sharma, et al., vs. Milpitas Economic Development Corporation, City of Milpitas, et al.

2. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING
Pursuant to California Government Code §54957.6, City Negotiator: Carmen Valdez
Employee Groups: Milpitas Employees Association (MEA), Milpitas Police Officers Association (MPOA), International Association of Fire Fighters (IAFF), and Milpitas Association of Battalion Chiefs. Under Negotiation: Wages, Hours, Benefits, and Working Conditions

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required, pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Mayor Esteves)

VI. APPROVAL OF COUNCIL MEETING MINUTES – April 16, 2013

VII. SCHEDULE OF MEETINGS – COUNCIL CALENDAR – May 2013

VIII. PRESENTATIONS

- Proclaim *Older Americans Month* for May 2013
- Proclaim *Wildlife Awareness Week* – May 5-11, 2013

IX. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with asterisks*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XIV. PUBLIC HEARINGS

1. **Hold a Public Hearing on Fire Fees and Adopt a Resolution for Fire Department Fee Adjustments (Staff Contact: Albert Zamora, 408-586-3371)**

2. **Consider the Milpitas Climate Action Plan and Adopt a Resolution Approving the Project's Negative Declaration (Staff Contact: Sheldon Ah Sing, 408-586-3278)**

3. **Hold Public Hearing on Residential Development Project, then Consider Actions for Ordinance No. 38.808 for Zoning Code Text Amendment Adding "Live-Work" units and Adopt a Resolution Approving Lots 1 and 2 Project (375 Los Coches) and the Mitigated Negative Declaration (Staff Contact: Tiffany Brown, 408-586-3283)**

XV. UNFINISHED BUSINESS

* 4. **Receive the April 2013 Odor Control Reports (Staff Contact: Kathleen Phalen, 408-586-3345)**

XVI. REPORT OF MAYOR

* 5. **Consider Recommendation from Mayor for Re-Appointment of Councilmember Gomez to Bay Area Water Supply and Conservation Agency (Staff Contact: Mary Lavelle, 408-586-3001)**

XVII. NEW BUSINESS

* 6. **Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended March 31, 2013 (Staff Contact: Emma Karlen, 408-586-3145)**

XVIII. RESOLUTIONS

* 7. **Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9492 (Staff Contact: Kathleen Phalen, 408-586-3345)**

* 8. **Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9493 (Staff Contact: Kathleen Phalen, 408-586-3345)**

* 9. **Adopt a Resolution Requesting that the Metropolitan Transportation Commission Allocate Transportation Development Act Article 3 Funds to the City for the Street Resurfacing 2014, Projects No. 4254 and No. 4268 (Staff Contact: Steve Chan, 408-586-3324)**

* 10. **Adopt Resolution of Intention to Amend Nitrogen Gas Ordinances for Air Products and Praxair License Agreements (Staff Contact: Keyvan Irannejad, 408-586-3244)**

XIX. CONTRACTS

* 11. **Approve Amendment No. 2 to the Agreement with Harris & Associates and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 408-586-3244)**

*** 12. Authorize the City Manager to Execute Amendment No. 1 to the Agreement with JDH Corrosion Consultants, Inc. for the Cathodic Protection Improvements, Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)**

*** 13. Authorize the City Manager to Execute an Agreement with Gates & Associates Landscape Architecture for McCarthy Blvd. Landscape & Lighting Improvements Project No. 3402 (Staff Contact: Steve Erickson, 408-586-3301)**

*** 14. Approve Plans and Specifications for Street Resurfacing 2014, and Authorize the Advertisement for Bid Proposals, Projects No. 4254 and No. 4268 (Staff Contact: Steve Chan, 408-586-3324)**

XX. ADJOURNMENT

SPECIAL CITY COUNCIL MEETING – BUDGET HEARING
TUESDAY, MAY 14, 2013 AT 6:00 P.M.

NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 21, 2013 AT 7:00 P.M.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO BECOME A CITY COMMISSIONER!
Current vacancies exist on the:

Public Art Committee (Alliance for the Arts member)
Community Advisory Commission (alternate)
Parks, Recreation, and Cultural Resources Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall.
Contact the City Clerk's office (408-586-3003) for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at (408) 586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings.

XIV. PUBLIC HEARINGS

1. Hold a Public Hearing on Fire Fees and Adopt a Resolution for Fire Department Fee Adjustments (Staff Contact: Albert Zamora, 408-586-3371)

Background: Fees for service are periodically adjusted to stay current with costs for service. Most fire agencies adjust their fees on either a cyclical or annual basis. The Milpitas Fire Department's most recent adjustment occurred back in 2007. Based on the Finance Department's revised hourly rate, Fire Dept. staff will use this rate in calculating the proposed fee adjustment which is at mid-range with respect to the compared jurisdictions.

Fiscal Impact: With the adoption of the revised fee schedule, there will be an increase in revenue proportional to the cost recovery for the service provided.

Attachments:
A. Draft Resolution with proposed new fees
B. Fire Marshal's Memorandum to City Council dated 4/25/13 with attachments

Recommendations:
1. Open the public hearing, and following any comments, move to close the public hearing.
2. Adopt a resolution for Fire Department Fee Adjustments effective July 1, 2013.

2. Consider the Milpitas Climate Action Plan and Adopt a Resolution Approving the Project's Negative Declaration (Staff Contact: Sheldon Ah Sing, 408-586-3278)

Background: In 2006, the State of California legislature passed Assembly Bill 32, the Global Warming Solutions Act of 2006 (AB32). The legislation committed the state to reducing greenhouse gas emissions to a level equivalent to 1990 emissions by 2020. AB32 also requires municipalities creating new General Plans to evaluate and mitigate for greenhouse gas emissions in its planning areas to a level consistent with AB32. Furthermore, Senate Bill 375 (SB375) places requirements on municipalities regarding the reduction of greenhouse gas emissions through land use patterns, enhanced transit services and reduction of vehicle miles traveled (VMT).

In order to comply with AB32 and SB375, the Bay Area Air Quality Management District adopted new thresholds regarding development projects and greenhouse gas emissions to coincide with the environmental review of a project. The development of strategies to reduce greenhouse emissions through a formal document such as a Climate Action Plan (CAP) streamlines the planning process for projects, while demonstrating overall compliance with State law. The Milpitas CAP contains:

- An inventory of greenhouse gas emissions from all community and municipal sources;
- A public outreach component to receive input from the community and stakeholders;
- A greenhouse gas mitigation plan composed of strategies to reduce greenhouse gas emissions to a level consistent with the requirements of AB32 and SB375 throughout the project area; and
- A monitoring program for greenhouse gas emissions into the future.

The CAP was significantly funded through a grant from Santa Clara Valley Transportation Authority (VTA) and redevelopment money, so the city's General Fund was not impacted. The CAP identifies a target reduction of 16.2% below the 2005 baseline, which exceeds the minimum of 15% below the 2005 baseline. A General Plan Text Amendment is proposed for the Land Use Element to reference the CAP and the proposed target. Because General Plan amendments are limited by state law, it is proposed to bring forward the adoption of the amendment at the same time as another development project is currently being reviewed by staff.

The Air District provided comments regarding the draft CAP. The Air District requested that emissions from the wastewater and landfill facilities be included in the City's forecasts. The City acknowledges that these facilities are not within our jurisdictional control. In addition, the Air District suggested additional measures be included. Staff is not recommending additional measures at this time.

Fiscal Impact: None.

Attachments:
A. Resolution
B. Climate Action Plan
C. Errata sheets
D. Planning Commission Report (April 10, 2013)
E. Planning Commission meeting minutes (March 20 & April 10, 2013)
F. Comment Letters

Recommendations:
1. Open the public hearing, and following any comments, move to close the public hearing.
2. Adopt a resolution adopting the Milpitas Climate Action Plan and adopt the project Negative Declaration.

3. Hold Public Hearing on Residential Development Project, then Consider Actions for Ordinance No. 38.808 for a Zoning Code Text Amendment Adding "Live-Work" units and Adopt a Resolution Approving Lots 1 and 2 Project (375 Los Coches) and the Mitigated Negative Declaration (Staff Contact: Tiffany Brown, 408-586-3283)

Background: In December of 2011, Doyle Heaton with DRG Builders submitted a Preliminary Application for a request to demolish an existing 19,600 square foot building with associated parking and construct 33 new single family residential homes on approximately 2.7 acres at 375 Los Coches, within the Town Center Zoning District. Staff identified specific concerns with single-family residential abutting South Milpitas Boulevard. In response, the applicant incorporated four live-work units with commercial store fronts, totaling 2,000 square feet of commercial, along South Milpitas Boulevard.

Zoning Text Amendment (ZA13-0002):
The Town Center Zoning District does not currently include live-work units as a permitted or conditionally permitted use. As a part of the project proposal, DRG Builders is requesting to amend the text within the Zoning Code to incorporate "live-work" units as a conditionally permitted use within the Town Center Zoning District; to introduce "live-work" specifications under Section 13 "Special Uses"; to add "live-work" parking requirements; and to further define "live-work" units in Section 2 "Definitions." A draft ordinance is included in the agenda packet for the requested amendment.

Lots 1 and 2 Residential Project:
The residential project includes an application for a Major Tentative Map (MT12-0002) for the subdivision of 32 lots with new residential streets and park, a Site Development Permit (SD12-0003) for architectural review, a Conditional Use Permit (UP12-0016) for the residential and live-work use and an Environmental Impact Assessment (EA 12-0005) for the construction of 28 new single family residential units and with four live-work units.

Planning Commission Recommendation:
On March 27, 2013, the Planning Commission held a public hearing with considerable discussion on the appropriateness of single-family residential with less than 5% of the site to be utilized for commercial use. The outcome of the discussion was a three (3) to two (2) vote recommending approval of the project with a condition that a corresponding zoning text amendment be prepared for Planning Commission review and recommendation prior to forwarding the development

project to the City Council for consideration. On April 10, 2013, the Planning Commission held a public hearing for the Zoning Text Amendment and the outcome of that meeting was a three (3) to two (2) vote recommending approval of the amendment.

Fiscal Impact: None

Attachments:
A. Planning Commission Staff Report, April 10, 2013 (Zoning Text Amendment)
B. April 10, 2013 PC Meeting Minutes
C. Planning Commission Staff Report, March 27, 2013 (Residential Project)
D. March 27, 2013 PC Meeting Minutes
E. Site plans
F. Letter from School District
G. Environmental Impact Assessment
H. Phase I Environmental Site Assessment
I. Traffic Study
J. Noise Study
K. Risk Assessment
L. Greenhouse Gas/Air Quality
M. Council's Transportation and Land Use Subcommittee Meeting Minutes January 24, 2012
N. Council's Transportation and Land Use Subcommittee Meeting Minutes April 18, 2012
O. Proposed Ordinance No. 38.808
P. Resolution

Recommendations:
1. Open the public hearing, and following any comments, move to close the public hearing.
2. Waive the first reading beyond the title of Ordinance No. 38.808 for the Zoning Text Amendment regarding the addition of "live-work" units.
3. Move to introduce Ordinance No. 38.808.
4. Adopt a Resolution approving the Lots 1 and 2 (375 Los Coches) Residential Project and the Mitigated Negative Declaration.

XV. UNFINISHED BUSINESS

*** 4. Receive the April 2013 Odor Control Report (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: From March 19 through April 21, 2013, the Bay Area Air Quality Management District (BAAQMD) received seventeen odor complaints originating in Milpitas. Nine complaints identified a garbage-related odor, one identified a sewage-related odor and seven did not identify an odor source. As of the last Council update, the City's odor reporting website received forty-seven reported complaints.

Recommendation: Receive the April 2013 odor report.

XVI. REPORT OF MAYOR

*** 5. Consider Recommendation from Mayor for Re-Appointment of Councilmember Gomez to Bay Area Water Supply and Conservation Agency (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: Councilmember Armando Gomez presently serves as the City's appointed member on the Board of Directors for the regional body, the Bay Area Water Supply and Conservation Agency (BAWSCA) and also the Bay Area Regional Water System Financing Authority (RFA). Mayor Esteves received a letter from BAWSCA on March 29, 2013 regarding the approaching end of Mr. Gomez' current term of appointment. His current term of service on this board will expire in June, and the agency requests the Council to make an appointment for

the next four-year term. Mayor Esteves recommends re-appointment of Councilmember Gomez to represent City of Milpitas on this body.

Recommendation: Receive Mayor's recommendation and move to re-appoint Councilmember Gomez to BAWSCA and RFA for another term.

XVII. NEW BUSINESS

*** 6. Receive City of Milpitas Investment Portfolio Status Report for the Quarter Ended March 31, 2013 (Staff Contact: Emma Karlen, 408-586-3145)**

Background: In compliance with the State of California Government Code and the City's Investment policy, the City of Milpitas Investment Report for the quarter ended March 31, 2013 is submitted for review and acceptance.

The Portfolio Summary Report (included in the Council's packet) provides a summary of the City's investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of March 31, 2013.

As of March 31, 2013, the principal cost and market value of the City's investment portfolio was $164,856,114 and $165,520,443 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended March 31, 2013 was 0.60%. The comparative benchmarks for the same period were 0.28% for LAIF (Local Agency Investment Fund) and 0.25% for the 12-month average yield of the 2 year Treasury Note. The weighted average maturity of the portfolio was 421 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

Market values of the securities were provided by BNY Mellon, the safekeeping bank of the City's securities. All the securities owned by the City are held in the trust department of BNY Mellon under the terms of a custody agreement.

Three charts are included with the agenda packet that show investment by maturity levels, comparison of the City's portfolio yields to other benchmark yields as well as a trend of the type of securities in the City's portfolio, weighted average maturity and average yield.

Fiscal Impact: None

Recommendation: Receive the investment report for the quarter ended March 31, 2013.

XVIII. RESOLUTIONS

*** 7. Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9492 (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1) provides for improving and maintaining the public landscaping and pedestrian lighting along North McCarthy Boulevard and the Ranch Drive gateway. Proposed improvements included in the draft 2013-2018 Capital Improvement Program are renovation of the District's landscaping and irrigation system. The Landscaping and Lighting Act of 1972 requires adoption of the subject resolution directing preparation of an annual engineer's report evaluating the District's maintenance and improvement costs. At subsequent meetings, Council will be asked to approve the completed engineer's report and schedule a public hearing for the proposed assessment on June 4, 2013. Upon Council's approval, the assessment for the maintenance and improvement work will be added to the 2013-14 property tax bills of the property owners within the boundaries of the District.

Fiscal Impact: None

Recommendation: Adopt a resolution directing the preparation of the Annual Engineer's Report for LLMD No. 95-1 at McCarthy Ranch.

* **8. Adopt a Resolution Directing Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9493 (Staff Contact: Kathleen Phalen, 408-586-3345)**

Background: Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD 98-1) provides for improving and maintaining the public landscaping and additional lighting along Sinclair Frontage Road, Los Coches Creek and Berryessa Creek abutting the Sinclair Horizon residential subdivision. Proposed improvements included in the draft 2013-2018 Capital Improvement Program are renovation of the District's lighting, landscaping and irrigation system. The Landscaping and Lighting Act of 1972 requires adoption of the subject resolution directing preparation of an annual engineer's report evaluating the District's maintenance and improvement costs. At subsequent meetings, Council will be asked to approve the completed engineer's report and schedule a public hearing for the proposed assessment on June 4, 2013. Upon Council's approval, the assessment for the maintenance and improvement work will be added to the 2013-14 property tax bills of the property owners within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a resolution directing the preparation of the Annual Engineer's Report for LLMD No. 98-1 at Sinclair Horizon.

* **9. Adopt a Resolution Requesting that the Metropolitan Transportation Commission Allocate Transportation Development Act Article 3 Funds to the City for the Street Resurfacing 2014, Projects No. 4254 and No. 4268 (Staff Contact: Steve Chan, 408-586-3324)**

Background: The Metropolitan Transportation Commission (MTC) annually apportions Transportation Development Act (TDA), Article 3 funding to Bay Area cities for pedestrian and bicycle improvement projects. For fiscal year 2013-14, MTC has apportioned $84,506 to the City of Milpitas based on its population. To obtain this funding, staff needs to submit a grant proposal containing a resolution from the City Council declaring the City's eligibility for the TDA funding. Staff has proposed programming this funding into the Street Resurfacing 2014 Capital Improvement Program project for installation of pedestrian ramps that will comply with the Americans with Disabilities Act requirements. The locations of these pedestrian ramp improvements will be determined during the project design phase.

Fiscal Impact: None.

Recommendation: Adopt a resolution requesting that the Metropolitan Transportation Commission allocate Transportation Development Act Article 3 Funds to the City for the Street Resurfacing 2014, Projects No. 4254 and No. 4268.

*** 10. Adopt Resolution of Intention to Amend Nitrogen Gas Ordinances for Air Products and Praxair License Agreements (Staff Contact: Keyvan Irannejad, 408-586-3244)**

Background: The current license agreements for Air Products (Ordinance No. 222) and Praxair (Ordinance No. 223) have expired. There are approximately four miles of nitrogen pipelines in the City. Staff negotiated new terms for amendments, as follows:

> $4,039 per mile (currently $3,775 per mile) plus $777 per inch diameter of laterals (currently $726 per inch diameter of laterals), annually. There will be 7% annual increase of the fees. The new agreements will expire in 15 years (2028).

Franchised revenues are estimated to increase from currently $45,000 to $48,000 for 2013.

The City Council is recommended to proceed with the ordinances to execute the agreements. Anticipated actions are:

1. Adopt Resolution of intent to amend.
2. Set the Council meeting for a public hearing and introduction of Ordinance No. 220.2, No. 222.1 and No. 223.2.
3. At the adoption of the ordinances, authorize City Manager to execute the license agreements.

Fiscal Impact: None.

Recommendations:

1. Adopt a Resolution of intent to amend ordinances and license agreements with nitrogen gas companies.
2. Set June 4, 2013 as the date for a public hearing at the City Council meeting and to introduce the ordinances.

XIX. CONTRACTS

*** 11. Approve Amendment No. 2 to the Agreement with Harris & Associates and Approve a Budget Appropriation (Staff Contact: Keyvan Irannejad, 408-586-3244)**

Background: Due to current peak work load of private development projects, and encroachment permits activities as it relates to the Bay Area Rapid Transit extension project and in order to meet schedules of current and anticipated projects, staff is recommending additional consultant services to augment staff resources. Harris & Associates services will be used on as needed basis, which are fully reimbursable from developer and Santa Clara Valley Transportation Authority (VTA) funds.

Harris & Associates was selected based on recent and past performances and through the City's consultant selection process. Based on the anticipated work load, staff estimated a fee not to exceed $275,000. Included in the Council's packet is the budget change form. The term of this agreement will cover anticipated work through June 30, 2014.

Fiscal Impact: None. The consultant fee for these services is reimbursable through the private project accounts and VTA funds.

Recommendations:

1. Approve and authorize the City Manager to execute Amendment No. 2 to the consultant agreement with Harris & Associates in the amount of $275,000, subject to approval as to form by the City Attorney.
2. Approve a budget appropriation in the amount of $57,500 to increase Land Development Engineering expenditure budget for the remaining of the fiscal year that will be reimbursed by private development.

*** 12. Authorize the City Manager to Execute Amendment No. 1 to the Agreement with JDH Corrosion Consultants, Inc. for the Cathodic Protection Improvements, Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On June 19, 2012, the City entered into a consultant agreement with JDH Corrosion Consultants, Inc. in the amount of $75,000 to provide an evaluation of the City's existing cathodic protection systems which are installed on buried metal pipelines to protect the pipelines from corrosion. The evaluation was performed to determine how well the City's system is operating and if replacement, upgrade, retrofit or repairs are needed. Staff now recommends that JDH Corrosion Consultants, Inc. perform additional design and construction support services for the needed improvements that were identified during the evaluation process. Amendment No. 1 to the JDH Corrosion Consultants, Inc. agreement is proposed for these additional services.

City of Milpitas staff negotiated a fee for these services not to exceed $100,000, which is considered reasonable for the work. Approval of this agreement amendment brings the total agreement amount to $175,000.

Fiscal Impact: None. Sufficient funds are available in the project budget for these services.

Recommendation: Authorize the City Manager to execute Amendment No. 1 to the agreement with JDH Corrosion Consultants, Inc. in the amount of $100,000, Project No. 7115, subject to approval as to form by the City Attorney.

*** 13. Authorize the City Manager to Execute an Agreement with Gates & Associates Landscape Architecture for McCarthy Blvd. Landscape & Lighting Improvements Project No. 3402 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: McCarthy Blvd. Landscape & Lighting Improvements, Project No. 3402, is included in the approved Capital Improvement Program. The work involves generating plans, specifications, and contract documents for the improvements to renovate portions of the lighting and landscaping included within the McCarthy Ranch Lighting and Landscaping Maintenance District 95-1. The improvements include rehabilitating portions of the irrigation and lighting systems, landscaping, and correcting deficiencies to comply with current regulations. Through the City's consultant selection process, Gates & Associates Landscape Architecture has been selected to provide the design services. Staff negotiated a scope and fee for these services not to exceed $65,000, which is considered reasonable for the work.

Fiscal Impact: None. Sufficient funds are available in the project budget for these services.

Recommendation: Authorize the City Manager to execute an agreement with Gates & Associates Landscape Architecture for the McCarthy Boulevard Landscape & Lighting Improvement, Project No. 3402, subject to approval as to form by the City Attorney.

*** 14. Approve Plans and Specifications for Street Resurfacing 2014, and Authorize the Advertisement for Bid Proposals, Projects No. 4254 and No. 4268 (Staff Contact: Steve Chan, 408-586-3324)**

Background: Staff prepared plans and specifications for Street Resurfacing Project 2014, Projects No. 4254 and No. 4268. To extend street pavement life, this project will apply various pavement surface treatments including asphalt rubber cape seals and slurry seals, and will remove and replace sections of failed pavement. The project will also replace the roadway markings on the repaved or sealed streets. The Engineer's Estimate for the project is $2,000,000. A copy of the title sheet of the project plans showing the streets to be resurfaced is included in the Council's agenda packet. The complete set of plans and specifications is available for review in the office of the City Engineer.

Fiscal Impact: None.

Recommendation: Approve plans and specifications for Street Resurfacing 2014, Projects No. 4254 and No. 4268, and authorize the advertisement for bid proposals.

XX. ADJOURNMENT

SPECIAL CITY COUNCIL MEETING – BUDGET HEARING
TUESDAY, MAY 14, 2013 AT 6:00 P.M.

NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, MAY 21, 2013 AT 7:00 P.M.

Draft MEETING MINUTES
CITY OF MILPITAS

Minutes of:	**Milpitas City Council regular meeting**
Date:	**Tuesday, April 16, 2013**
Time:	**6:00 PM**
Location:	**Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas**

ROLL CALL

Mayor Esteves called the joint meeting to order at 6:00 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano, Gomez and Montano

ABSENT: Councilmember Gomez was absent at roll call, and arrived at 6:03 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations and one litigation matter.

City Council then convened in Open Session at 7:00 PM.

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mayor Esteves invited all to observe a minute of silence for victims at the Boston Marathon bombing the previous day. Councilmember Montano offered a prayer to start the meeting,

MINUTES

Motion: to approve meeting minutes of April 2, 2013 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for April and May 2013

City Manager Tom Williams reporting the Bicycle Pedestrian Advisory Commission meeting would be on Thursday, May 2 at 7:00 PM.

Vice Mayor Polanski announced there would be a meeting on Tuesday, April 23 at 5:00 PM of the City-Schools communication group.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves proclaimed *National Crime Victims' Rights week* for April 27-27, 2013 and the proclamation was accepted by Kasey Halcon, Director of Victim Witness Assistance Program of Santa Clara County.

The Mayor proclaimed *Building and Safety Month* for May 2013 and it was accepted by Milpitas Building Department's Chief Building Official Keyvan Irannejad and staff Poh Yee, Mike Mariano and Bardia Khadiv.

PUBLIC FORUM

Mr. Timon Norimoto, PG&E local government representative, urged all residents to call before digging in their yards for any reason, in order to check on location for any gas lines. Call 811, a free service.

Mr. Ahmad, a Milpitas resident, spoke on behalf of Milpitas Cricket Club which sought a playing field for his sport in Milpitas, as recently expressed before the Parks, Recreation and Cultural Resources Commission.

Marie Pham, Milpitas Library Commissioner with Linda Arbaugh, Milpitas Librarian, said they were celebrating *National Library Week*, and showed a video with library history and services available in Santa Clara County. Both women encouraged residents to visit the city's Library and to obtain a library card, which was available free to residents.

Robert Marini, Milpitas resident, commented on calculations used for sewer rates in Milpitas.

Carol Kassab, CEO of the Milpitas Chamber of Commerce, announced that on Sunday, April 21 the Chamber's first radio show, featuring an interview with the Mayor and a valued Chamber member, would be broadcast on KLIV 1590 AM radio.

Rob Means, 1421 Yellowstone resident, had good news on the energy front due to recent state legislation regarding battery chargers. Medium-speed electric vehicles would soon be considered.

ANNOUNCEMENTS

City Manager Tom Williams noted that the City fleet contained two hybrid vehicles, and also reported the first student tour of Alviso Adobe Park by on Spanish immersion class was held.

Vice Mayor Polanski announced the Telecommunications Commission met last night at the Public Works building, and received a demonstration by Information Services staff of the new city telephone system. It provided excellent flexibility and help to communicate with the public. She thanked staff and the Mayor for an excellent event thanking City Commissioners last Saturday on the same date that the Knights of Columbus held its 39th annual event honoring Citizen, Police Officer and Firefighter of the Year.

City Councilmember Giordano made a request for an upcoming Council meeting on crime activity in the City. She would like to inform the public on how the City was doing.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Williams requested to remove item no. 20 (amend contract with East Bay Construction) from the agenda.

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

City Manager Williams called the Council's attention to two items distributed on the dais, related to agenda item No. 13 (development agreement on signs), and for no. 14 (letter from Chamber of Commerce on fee waiver policy).

Vice Mayor Polanski requested to remove items no. 12 (Mayor's letter to CPUC) and no. 14 (new policy on fee waivers and donations) from consent.

Councilmember Gomez asked to remove item no. 16 (Resolution Fire Department) from consent.

	Motion/Second: Councilmember Giordano/Vice Mayor Polanski
	Motion carried by a vote of: AYES: 5 NOES: 0
* 4. Commission Appointments	Confirmed the following appointments: <u>Economic Development Commission</u>: re-appointed Cat-Tuong Nguyen and Marsha Grilli to terms that expire in April 2016. <u>Senior Advisory Commission</u>: Appointed Deborah Langley as a regular voting member to a term that will expire in December 2014, and Moo Jin Choi as Alternate No. 1 to a term that expires in Dec. 2013.
* 6. Art Commission work plan	Approved the Arts Commission Work Plan for 2013-14.
* 7. Veterans Work Plan	Approved the Veterans Commission Work Plan for 2013-14.
*10. Excess Property Program	Approved the Police Department's request for certification into the CPSPP 1033 Excess Property Program.
*11. Final Map for Harmony	Approved the final map (Tract 10137) for Harmony residential development project and authorize the signing of the map by designated City staff.
*13. Adopt Ordinance 38.807	Waived the second reading and adopted Ordinance No. 38.807, approving the development agreement with Milpitas Sign Company LLC.
*15. Resolution for CHP Use of Weapons Firing Range	Adopted Resolution No. 8240 approving and authorizing the City Manager to execute the agreement with the California Highway Patrol for joint use of the Weapons Firing Range.
*17. Avoid the 13 Agreement	Authorized the Chief of Police to execute the agreement with the County of Santa Clara for the 2013 "Avoid the 13" grant program. Approved a budget appropriation in the amount of $8,000.00 to the Police Department overtime budget as a result of the 2013 "Avoid the 13" grant program.
*18. Amendment Contract with CSG Systems Inc.	Authorized the City Manager to execute amendment No. 2 to the agreement with CSG Systems, Inc. to extend the contract for one additional year for an annual not-to-exceed amount of $81,000.
*19. Amend Contract with Universal Building Services	Approved Amendment No. 5 to the contract with Universal Building Services for additional janitorial services for the not-to-exceed amount of $73,461.
*20. Amend Contract with East Bay Construction	Removed from the agenda.

PUBLIC HEARINGS

1. Amendment No. 5 to VTA Master Agreement	Kathleen Phalen reviewed and explained the need for the land exchange, to serve the needs of the Bay Area Rapid Transit construction project by Santa Clara Valley Transportation Authority (VTA). The Union Pacific Railroad would take land for building the railway, making way for BART's arrival. VTA agreed to help the City prepare plans for, and seek grant funding (from OBAG) for a pedestrian bridge over the rail lines. Mayor Esteves wondered what happened if the grant was not successful. Staff expected it would come through successfully, towards the $10 million estimated bridge costs. Mayor Esteves opened the public hearing. Rob Means, 1421 Yellowstone resident, asked about the crossing's direction, in relation to the BART alignment and staff explained the crossing was on east side near Piper Drive.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to adopt Resolution No. 8247 to dispose of public park land and accept Santa Clara Valley Transportation Authority's proposal for Curtis Park acquisition and mitigation by authorizing Amendment No. 5 to the Master Agreement between VTA and City of Milpitas

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

2. Community Development Block Grants for FY 2013-14

Principal Planner Felix Reliford presented the recommendation for the Community Development Block Grants of $360,716 in total funds for FY 2013-14. He reported that the Community Advisory Commission held a public hearing on March 6, and heard from fourteen applicant organizations. All were recommended for funding this year.

If a CDBG funding cut of 8-10% occurred later in the spring, then cuts across the board could be required. Staff recommended cuts from City's Recreation Assistance Program, Milpitas Food Pantry, and City's Rehabilitation Program, if necessary. Also, the One Year Action Plan must be approved for expenditure of CDBG funds in the coming year.

In reply to Councilmember Giordano, Mr. Reliford reported that all groups on the list were reviewed, and no affiliation with any political group was noted.

Councilmember Montano felt that all the funding should help Milpitas residents. She urged support for teens and youth, and recommended the Bill Wilson Center for Adolescents, which helped teens in need.

Mayor Esteves sought information about the outreach conducted to ensure a fair response for applications from many groups. Staff reviewed how the marketing was done.

Councilmember Montano sought more assistance for tutoring services for children, rather than the "Raising a Reader" program for pre-school kids. Mayor Esteves supported the reading program.

Vice Mayor Polanski commented with regard to school district activities now and in the past, with relationship to non-profits, that this was a good topic for the upcoming joint communication meeting, expressing needs of the community.

Mayor Esteves opened the public hearing.

Karen Kolander, Milpitas Food Pantry, commented on the $5000 minimum funding.

Anne Marccourt, Project Sentinel, thanked Council for support over the years, in their work to do fair housing support services.

Linda Lambert, Milpitas Family Literacy Project, provided a program to train parents to teach the youngsters to read and thanked Council for continued support over the years.

Bev Jackson, Rebuilding Together Silicon Valley, thanked Council for the City's support with primarily helping seniors in Milpitas with repairs to their homes.

Georgia Basil, Senior legal service, helping seniors primarily with safety net issues, here in Milpitas at the Barbara Lee Senior Center, and she thanked Council for the support.

Anna Jones, Live Oak Senior Center, provided adult senior services in San Jose, including for many Milpitas senior residents.

Adriana Caldera, YWCA support services for domestic violence clients, thanked Council for past support for their program which offered bilingual crisis line, emergency shelter, therapy, case management and more to clients.

Mary Balger, Meals on Wheels program of the Health Trust, program director, provided home delivery of hot meals to home bound clients along with a wellness check and friendly visit to the frailest residents.

Paul Lerner, property manager at Terrace Gardens, thanked Council for continued support over the years.

Patricia Bennett, Next Door Solutions for Domestic Violence Director, served Milpitas families with shelter, hotline, legal services, in court, and self sufficiency program.

Mayor Esteves asked City staff to discuss the Recreation Assistance Program. Dale Flunoy explained the value of RAP, which provided funds for low income families to participate in city recreation programs.

(1) Motion: to close the public hearing

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to approve CDBG funding amounts for FY 2013-14 as recommended by Citizens Advisory Commission and to adopt the One Year Action Plan for expenditure of CDBG funds in FY 2013-14 (including cuts recommended by staff only if CDBG funds in total were reduced by the federal government)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

At 8:50 PM the City Council took a break and returned at 9:00 PM.

UNFINISHED BUSINESS

3. Public Art Installation – Minute Man sculpture

Recreation staff Renee Lorentzen presented the recommendation from the Public Art Committee for the "Minute Man" bronze art piece to be installed in front of City Hall. She confirmed a community vote last year that resulted in 34% in favor of the sculpture, over two other proposed pieces. An image was displayed of the art in front of City Hall.

Vice Mayor Polanski thought it was wonderful and would look forward to seeing it in front of City Hall. A city seal with a mosaic design already existed and maybe the city logo could go on the base of the sculpture, in the future.

Mayor Esteves asked staff to explain the distinction between Arts Commission and the Public Art Committee (PAC). Staff said these were two separate bodies, where only the PAC voted on public art projects.

Vice Mayor Polanski read in the staff report that the work could take up to one year. Staff responded that yes, normally that would be true. Ms. Lorentzen had checked with the artist, who agreed he could have it ready for the weekend of January 25, 2014, but no sooner.

Robin Hays, Chair of the Public Art Committee, spoke to the Council stating she and the PAC very much supported a vote for this project, and had waited a long time for it.

Motion: to approve the "Minute Man" art sculpture, to approve a budget appropriation of $175,000 to Public Art Fund, Non-Departmental contract services, and authorize the City Manager to execute a contract with artist David Alan Clark for the sculpture, in the amount of $175,000

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

REPORT OF OFFICERS

Three items approved on consent calendar.

5. 60th Anniversary of City

Vice Mayor Polanski would like the City to celebrate its upcoming 60th year of incorporation, which would occur on January 26, 2014, and to work with interested groups on how to do that. She could work with staff on a committee to come up with costs and ways to celebrate.

Councilmember Giordano asked how much was spent for the City's 50 anniversary. The City Manager thought it was quite expensive but he did not have a figure. Staff supported Vice Mayor Polanski's recommendation. Ms. Giordano was concerned about where the money would come from and hoped to be able to find it.

Vice Mayor Polanski did not envision anything like the 50th celebration, which was extensive. The city could seek business partners and others to sponsor, perhaps. Council member Montano offered to work with Ms. Polanski on a subcommittee.

Motion: to form a City Council Subcommittee consisting of Councilmember Montano and Vice Mayor Polanski, to work with staff and community groups for a plan on the 60th anniversary of incorporation of the City, and to come back to City Council with the plan for celebrating and a proposed budget

Motion/Second: Councilmember Giordano/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

Two items were approved on consent calendar.

8. Strategic Planning Process

This matter was not discussed.

9. Draft 2013-2018 CIP

CIP Manager Steve Erickson introduced the draft five year Capital Improvement Program (CIP), with projects in six identified categories. He reviewed several accomplishments in completed projects over the past year, including photographs displayed overhead.

$19 million over the various fund groups was proposed for the upcoming Fiscal Year 2013-14, including: $5.5 million proposed in street projects, $1.4 million in community improvements, $2.1 million for Parks and $9.9 million in water and sewer, and storm drain utilities.

Staff sought comments from the City Council, and then he would return with the final proposed CIP at the scheduled May 14 Budget Hearing.

Councilmember Gomez inquired about the Alviso Adobe interior. Over $1 million in interior needs were identified for that structure, but a funding source was not yet identified. Mr. Gomez inquired about road improvements, and the pedestrian bike overcrossing at Curtis & Gilbraltar, with no funds. Staff reported that was another project with unidentified funding right now. As revenue grows, the Councilmember felt some of it should be dedicated to road maintenance.

Councilmember Giordano agreed with Mr. Gomez, especially in regard to streets. She suggested more preventative work be done, re-surfacing rather than re-building. Staff provided a chart showing Milpitas's Pavement Condition Index (PCTI) versus several other cities in Santa Clara County, with Milpitas at 70 and only Santa Clara and Palo Alto at a higher rating number. Staff explained the pavement program in Public Works.

Vice Mayor Polanski referred to the Alviso Adobe interior renovations, and noted that grants or other sources of funding would be needed. Streets were important to maintain, she agreed. She thought the City could have a percent of any new incoming revenue dedicated towards streets and also infrastructure.

Councilmember Montano sought Sunnyhills Park benches to be put onto the list since there was no where to sit at that park. At Roger Yee Park, bathrooms were not in good shape. She agreed streets were looking bad and needed help. Perhaps there was a need for a bond to pay for improvements in the future. Between Calaveras and Abel Street, there was no sidewalk and needed paved improvement.

Councilmember Gomez noted that on walkways connecting schools to residences, some were cracking and littered. He asked about Sports Center Master Plan items, including the Cardoza Park improvements Phase II.

The Mayor asked what was dropped from past CIP for no funding, due to lack of redevelopment agency funding. He discussed flood problems, and if there should be infrastructure to prevent flooding more. Mr. Erickson explained the City was accumulating funds in storm drain fund to get ready to do some of those projects in future.

Mayor Esteves recommended working with the Santa Clara Valley Water District on creeks, and maybe creating trails for recreation. Staff replied there was work on water ways to enhance flood protection. The Mayor asked if the City was involved in a possible history museum site. City Manager Williams replied, only with possible site location assistance, with no funding available.

Councilmember Montano asked about street signs and whether the City was making some new ones. City Manager Mr. Williams explained that those were developer-driven, as new projects were built in the Mid-Town and Transit Area parts of the City. Ms. Montano also inquired about having a child development center, which was needed in the Transit Area or near The Pines area, and to put that on a wish list.

Councilmember Gomez thought the school district could consider Ms. Montano's idea as a joint use along with the City, possibly on the McCandless property. He wanted to know the status of creek trail hazard plan. City Manager Williams replied that staff can certainly put that on an agenda to update the Council on implementation of the Creek Trail Master Plan.

Mayor Esteves wanted to include projects suggested for future, a wish list, even if such items were not funded.

The Mayor thanked staff for the presentation and asked for public input.

Rob Means, 1421 Yellowstone, requested to add crossing of railroad tracks, with more aggressive funding request than staff suggested, as he discussed in the past.

Robert Marini, Milpitas resident, was interested in Abel St improvements. These were needed, he said, when walking along the side near Weller, where he could not easily walk and it should be paved.

Vice Mayor Polanski said there was a need to look at areas for sidewalks to be added. She asked Mr. Means about his e-mail that he'd sent earlier that day, and suggested to bring paper copies to the Council at their meetings.

No vote was taken on the draft CIP document.

12. Authorize Mayor Letter

Vice Mayor Polanski requested to learn more about the proposed letter requested for the Mayor to sign, regarding power, California Public Utilities Commission changes, ABAG POWER committee, and related topics in the letter to the CPUC.

Purchasing Agent Chris Schroeder came to the podium to explain the request the City received from ABAG POWER for a letter of support to be sent to the CPUC. He also invited Jerry Lahr, ABAG Energy Program Manager to answer questions.

Timon Norimoto, PG&E government affairs representative, shared his company's perspective on the issue of capacity.

Motion: to authorize the Mayor to sign a letter as a member of the Association of Bay Area Governments to the California Public Utilities Commission requesting that the Commission rescind the regulations that require core transportation agents - such as ABAG POWER - to take and pay for PG&E's excess pipeline capacity

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

ORDINANCE

One ordinance was adopted on the consent calendar.

RESOLUTIONS

One resolution was adopted on the consent calendar.

14. Resolution on New Council Policy

Vice Mayor Polanski removed this matter from consent calendar, in order to acknowledge a letter received from the Milpitas Chamber of Commerce, which recommended several changes to the proposed policy. The Vice Mayor supported the policy as written, and agreed that Council would see how it worked and could later adjust, if needed.

Mayor Esteves noted that Council expected several applicants, but the City had limited funds, and wanted to maximize programs that would come forward to request funds or a fee waiver.

Councilmember Giordano asked where the funds came from, for fee waivers, in the budget. Finance Director Karlen responded that the City, to date, would simply not collect the revenue. In the new budget, as the Mayor suggested, when the Council Community Promotions budget was established, the out of pocket and fee waiver amounts could be listed, to have a record of both. Ms. Giordano asked about limits, and Ms. Karlen said at the time of the new budget, the amounts could be increased to new limits.

Councilmember Montano inquired about some details on the proposed application form, to ensure the City would know the non-profit status of an applying organization. Ms. Karlen explained that organizations would need to submit the IRS tax-exempt letter.

Councilmember Giordano moved to approve the policy, along with the recommended changes written in the letter from the Milpitas Chamber of Commerce. No one seconded her motion.

Mayor Esteves said this policy would express Council's gesture of support for the non-profit groups' events and fundraising efforts. He sought consistency and fairness with approach to the groups. He asked the City Manager whether the Chamber of Commerce would be affected by the policy, and Mr. Williams replied that it depended on the event.

Vice Mayor Polanski commented that when fee waivers were requested, there was a cost to the City for staff time to review the events or do an inspection.

Motion: to adopt Resolution No. 8248 approving the new City Council donation and fee waiver/reduction policy, to review the policy in six months, and double the total amount available (at budget time)

Motion/Second: Vice Mayor Polanski/Councilmember Gomez

Motion carried by a vote of: AYES: 3
NOES: 2 (Giordano, Montano)

16. Resolution on Fire Department Budget

Councilmember Gomez said he needed to understand the specific amount of overtime in the Fire Department, and received various reports from last fall through the present time. He was unable to support the requested Resolution, unless he had a better understanding of current situation.

City Manager Williams responded with the Fire Department's overtime budget, annualized. Fire overtime was beyond the amount budgeted for FY 2012-13, which would add to the City's deficit he said.

Fire Chief Sturdivant responded to an inquiry about current amount of employee overtime being expended, in each of the last several months. He also responded to a question about salary savings, and recent vacancies.

Motion: to adopt Resolution No. 8250 confirming current Fire Department budget status

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 4
NOES: 1 (Gomez)

CONTRACTS

Three items were approved on consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 10:47 PM.

Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk

April 2013						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June 2013						
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23	24	25	26	27	28	29
30						

Council Calendar

May 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 **7:30 AM**-VTA Northeast (JE) **5:30 PM** Veterans Commission – special meeting (DG) **7:00 PM**-Community Advisory Commission (AG)	**2** **5:30 PM**-VTA Board of Directors (JE) **7:00 PM**-Bicycle Pedestrian Advisory Commission (AG)	**3**	**4**
5	**6** **10:00 AM**-SVRT Program Working Committee (JE) **7:00 PM**-Parks, Recreation & Cultural Resources Commission (AP)	**7** **6:00 PM**-Closed Session **7:00 PM**-City Council	**8** **7:00 PM**-Planning Commission	**9** **7:00 PM**-Cities Assoc of SCC (JE) **7:00 PM**-Youth Advisory Comm. (DG)	**10**	**11**
12	**13** **4:00 PM**-Milpitas Oversight Board (AG) **6:00 PM**-Economic Development Commission (CM)	**14** **6:00 PM** Budget Hearing	**15**	**16** **4:00 PM**- VTA Policy Advisory Committee (AG) **4:30 PM**- Treatment Plant Advisory Committee (JE) **7:00 PM**-Emergency Prep. Commission (AP) **7:00 PM**-Bay Area Water Supply Consv. Agency (AG) (Foster City)	**17**	**18**
19	**20** **7:00 PM**-Telecommunications Commission (AP) **7:00 PM**-Library Advisory Commission (CM)	**21** **6:00 PM**-Closed Session **7:00 PM**-City Council	**22** **7:00 PM**-Planning Commission **7:00 PM**-Public Art Committee @ Community Center (DG)	**23** **9:30 AM**-Coyote Flood Protection Watershed Advisory Committee (CM) **12:00 PM**-VTA Admin & Finance Committee (JE) **7:00 AM**-Milpitas Chamber of Commerce Board (DG) **7:00 PM**-Sister Cities Commission (CM)	**24**	**25**
26 	**27** **CITY HOLIDAY** **MEMORIAL DAY** **9:00 AM** Memorial Day Ceremony (Veterans Plaza)	**28**	**29**	**30** **12:00 PM**-Terrace Gardens Board of Directors (DG)	**31**	

Updated 04/30/2013

RESOLUTION NO. _____ **1-A**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE FIRE DEPARTMENT FEE SCHEDULE

WHEREAS, the Milpitas Municipal Code specifies that certain fees and charges shall be fixed by Resolution of the City Council; and

WHEREAS, those fees and charges are to be in amounts no greater than the reasonable costs of providing the service as incurred by the City and also in the amount specified through Council policy direction with respect to the functions to be performed by the City as supported by the information included in a staff report from Fire Marshal Albert Zamora, dated March 25, 2013, attached hereto as Exhibit A; and

WHEREAS, the Finance Department completed a cost allocation study and established Fire Department costs for service to be $164 per hour, as reflected in the March 6, 2013 staff report attached to Exhibit A.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The various fees and charges set forth in the Fee Schedule attached hereto as Exhibit B do not exceed the reasonable cost of providing the service and comply with the Municipal Code requirement to assure recovery of the costs reasonably borne and shall become effective with the adoption of this Resolution and shall remain in effect until a new Resolution amending the same is adopted by the City Council.

3. The fees and charges established by this Resolution shall supersede all previously established fees or charges for the same regulations, project or service, and all such previous fees and charges are repealed on the effective date of this Resolution of the City Council as provided in Section IV-3-4.00 of the Milpitas Municipal Code. All other fees shall remain in effect.

4. This Resolution shall become effective on July 1, 2013.

PASSED AND ADOPTED this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____

Mary Lavelle, City Clerk

APPROVED:

_____

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____

Michael J. Ogaz, City Attorney

MEMORANDUM

Office of the Fire Marshal

DATE: March 25, 2013

TO: City Council

THROUGH: Tom Williams - City Manager, Mike Ogaz -City Attorney, Brian Sturdivant - Fire Chief

FROM: Albert C. Zamora, PE - Division Chief / Fire Marshal

RE: Fire Department Fee Schedule Adjustments & Recommendations for Approval

Purpose

Fees for service are periodically adjusted to stay current with costs for service. Most fire agencies adjust their fees on either a cyclical or annual basis. The Milpitas Fire Department's most recent adjustment occurred back in 2007.

Background

California Health & Safety Code Sections 13143, 13145 and 13146, provides the authority and statutory provisions to enforce regulations and building standards relating to fire and panic safety as adopted by the State Fire Marshal and published in the State Building Standards, as well as other regulations that have been formally adopted by the State Fire Marshal and the Milpitas Municipal Code.

Pursuant to Section 1.11, Office of The State Fire Marshal, of the 2010 Edition of the California Fire & Building Codes, the applicable uses and occupancies that are inspected and regulated by the Fire Prevention Division of the Milpitas Fire Department includes the following but not limited to:

- Institutional, Educational, or any similar occupancy
- Assembly or similar Place of Assemblage
- Small & Large Family Daycare Homes
- Residential Care Facilities
- Hi-Rise Structures
- Multi-Residential Occupancies

- Tents, Awnings or Other Fabric Enclosures used in connection with any occupancy
- Fire Alarm Devices, Equipment, and Systems in connection with any occupancy
- Hazardous Materials
- Flammable and Combustible Liquids
- Wildland-Urban Interface Fire Area

The Fire Department Fee Schedule is a function of two basic components; the time required to conduct the service and the hourly rate that is approved by the City Council. Section 66014 of the Government Code as referenced in Section 13146 of the Health & Safety Code, and Section 1.11.2.1.1 of the 2010 Fire & Building Codes, allows fire departments to charge fees for permit and inspection activities so as long as the fees "do not exceed the amount reasonably necessary to recover the costs". In 2003 and 2007, the Fire Prevention Division staff conducted an extensive review of the time component associated with the permit and inspection activities. In 2011, we conducted another review and determined that the time component was still consistent with the time component that was established in 2007. In 2012, a subsequent review of the time component was conducted and resulted in several changes; streamlining the methodology of how fire sprinkler and fire alarm systems fees are calculated, and the new required tasks associated with two state unfunded mandates that impact the Hazardous Materials Program – California Environmental Reporting System (CERS) and the Aboveground Petroleum Storage Act (APSA).

Analysis

General

The current hourly rate charged by the Fire Department for permit and inspection fees is $143 per hour, which was approved at the December 11, 2007 City Council Meeting.

In order to reflect the current cost for permit and inspection services in 2013, the hourly rate needs to be increased to $164 per hour. The methodology for calculating this rate requires taking the direct costs of providing services (e.g., personnel and supply costs) and adding them to the indirect costs (e.g., centralized overhead services from departments like Human Resources, Information Systems, and Finance). NOTE: See Attachments; ***Finance Department Calculation for Full Cost Recovery Hourly Rate - Fire Inspector & Fire Protection Engineer***, and ***Finance Director Memorandum Dated March 6, 2013 - Methodology of Calculating of Full Cost Recovery Hourly Rate for Fire Prevention Services.***

Comparatives

A recent survey and review of the same (5) jurisdictions that were used back in 2007 was conducted in terms of their respective current hourly rates and yielded the following results:

HOURLY RATE COMPARISON BY JURISDICTION

CITY	HOURLY RATE FY12/13	HOURLY RATE FY13/14
MOUNTAIN VIEW	$158.00	$160.00
SANTA CLARA	$160.00	$164.00
PALO ALTO	$160.00	$160.00
SAN JOSE	$166.00	$166.00
SUNNYVALE	$181.00	$181.00
MILPITAS	**$143.00**	**$164.00 Proposed**

Given the current hourly rate of $143 per hour and the proposed increase hourly rate of $164 per hour, the overall percent increase is 15%.

Proposed Major Fee Schedule Changes

Fire Sprinkler Systems

Under the current fee structure using the proposed $164 hourly rate, there are 4 Tiers of charges that are a function of the area that involves the proposed fire sprinkler work:

- (< 2K SF) = $492 base fee
- (2K to < 10K SF) = $1148 fee
- (10K to < 50K SF) = $2296 fee
- (≥50K SF) = (.0003 hrs/SF x SF x Hourly Rate) fee

The new fee structure per the $164 hourly rate only uses 2-Tiers of charges:

- (≤ 2K SF) = $492 base fee
- (> 2K SF) = $492 + (.0007 hrs/SF x {SF – 2K SF} x Hourly Rate) fee

This revised formula is proportional to the area and commensurate with the time to perform the work.

Fire Alarm Systems

Under the current fee structure using the $164 hourly rate, there are 4 Tiers of charges that are a function of the area that involves the proposed fire alarm work:

- (< 5K SF) = $656 base fee
- (5K to < 10K SF) = $984 fee
- (10K to < 50K SF) = $1476 fee
- (≥50K SF) = (.00025 hrs/SF x SF x Hourly Rate) fee

The new fee structure per the $164 hourly rate only uses 2-Tiers of charges:

- (≤ 5K SF) = $656 base fee
- (> 5K SF) = $656 + (.0006 hrs/SF x {SF-5K SF} x Hourly Rate) fee

This revised formula is proportional to the area and commensurate with the time to perform the work.

California Environmental Reporting System (CERS)

Under Assembly Bill 2286, all hazardous materials regulated businesses are required to use the internet to submit Uniform Program information, previously filed by paper forms, via the California Environmental Reporting System (CERS), or a local web portal. Additionally, all local implementing government agencies are required to report inspection and enforcement actions via the internet. The Milpitas Fire Department and the Santa Clara County Health Department will exchange data identified under Title 27 of the California Code of Regulations via a County web portal.

A CERS fee shall be assessed if the total on-site quantity of all hazardous materials exceeds the CERS reporting threshold specified in the Health and Safety Code, Chapter 6.95, Section 25503.5. Furthermore, a CERS fee will be assessed for projects associated with the installation / modification of APSA and all Underground Storage Tank (UST) systems.

This unfunded state mandate requires additional work to be conducted by the local Fire Department which will result in additional personnel time; 1 hour of plan review and 1 hour of inspection time where applicable.

MEMORANDUM

Department of Finance

To: Albert Zamora, Fire Marshall

From: Emma C. Karlen, Director of Financial Services

Subject: **Methodology for Calculating the Full Cost Recovery Hourly Rate for Fire Prevention Services.**

Date: March 6, 2013

Effective July 1, 2012, the full cost recovery hourly rate for Fire Prevention Division was determined to be approximately $164. The full cost of providing fire prevention services includes direct cost such as personnel costs and supplies, and a portion of the indirect costs consisting of department administration and centralized internal service costs (commonly known as overhead costs). The indirect costs were allocated to the Fire Prevention Division using cost allocation formula, based on Cost Allocation Study conducted in 2007. As determined by that study, Fire Prevention Division's indirect costs represent approximately 20% of its direct costs. To derive the full cost recovery hourly rate for Fire Prevention, the sum of the direct costs and the allocated indirect costs were divided by the number of work hours in that division.

Fire Inspector/Fire Protection Engineer Hourly Rate

	2007/2008	2012/2013
Direct Cost:		
Salary & Benefits	$ 187,763	$ 201,859
Services & Supplies	25,784	43,076
subtotal	213,547	244,935
Indirect Cost:		
Administration Overhead (20%)	42,709	48,987
Total Full Cost	$ 256,256	$ 293,922
Hourly rate	$ 143	$ 164
Percentage increase since FY2007/08		15%

Exhibit B

25-Apr-13

PROPOSED FIRE DEPARTMENT FEE SCHEDULE - 2013

Activity	Permit Fee
ANNUAL OPERATIONAL PERMITS	
Life Safety Operational Permits	
A-1 Occupancy (theaters and other similar viewing halls)	$656.00
A-2 Occupancy (food and drink establishment)	$492.00
A-3 Occupancy (worship, recreation or amusement)	$492.00
A-4 & A-5 Occupancy (indoors or outdoors sports event structures)	$1,148.00
High Piled Storage	$656.00
Malls	$1,148.00
Motels	$492.00
Hotels and multi-story structures (< 5 stories)	$984.00
Hotels and multi-story structures with 5 or more stories. 1.5 HR per floor for insp. Fee = (Number of floors * 1.5HR) * $/HR	per fee factor
Commercial Daycare - small (< 100). Children or elderly care.	$328.00
Commercial Daycare - large (≥ 100). Children or elderly care.	$656.00
Residential - Small Family Daycare	no fee
Residential - Large Family Daycare	$82.00
Residential Elderly Care	no fee
Small Apartments (3 - 4 units)	$246.00
Medium Apartments (5 - 15 units)	$984.00
Large Apartments (more than 15 units)	$1,312.00
Other miscellaneous annual Life Safety inspection. (1 HR minimum)	$164.00
Hazardous Materials Operational Permits	
Small Chemical User (doctor/dentist, dry cleaner, photo shop, graphic design, print shop, auto repair, retail sales with propane)	$574.00
Medium chemical User (body shop, research and design, analytical labs, pool supplies)	$984.00
Large Chemical User (semiconductor or similar facilities)	$1,476.00
Plating Shops	$1,148.00
Small Toxic Gas - Annual Monitoring Certification	$656.00
Large Toxic Gas - Annual Monitoring Certification	$1,312.00
Underground Tanks	$656.00
Urban Runoff Inspections (industrial)	$328.00
Urban Runoff Inspections (restaurants-once every 2 years)	$328.00
Other miscellaneous annual Haz. Mat. inspections (1 HR minimum)	$164.00

Activity	Permit Fee
CONSTRUCTION REVIEW/PERMIT/INSPECTION	
Planning Permits/Reviews	
Project Development and EIR review	$1,312.00
Consultative meetings over 1 hour duration	$492.00
Planning Applications. Fee = hours * hourly rate (Std. Or OT rate)	HR * $/HR
Building Life/Safety	
Demolition (interior, or partial building, misc. demolition)	$328.00
Demolition (complete building with/without site demolition)	$492.00
Grading (< 1 acre)	$328.00
Grading (1 to 5 acres)	$492.00
Grading ((≥ 5 acres)	$656.00
Site Improvements (< 1 acre)	$492.00
Site Improvements (1 to < 5 acres)	$984.00
Site Improvements (≥ 5 acres), 2 HR / acre or fraction thereof (plan check and inspection included). Fee = (Acres * 2HR) * $/HR	per fee factor
New Building Shell (< 5K SF)	$492.00
New Building Shell (5K to < 25K SF)	$984.00
New Building Shell (25K to < 50K SF)	$1,476.00
New Building Shell (≥ 50K sf). Fee = .0002 HR/SF * SF * $/HR	per fee factor
New Building w/ Improvements (< 5K SF)	$492.00
New Building w/ Improvements (5K to < 25K SF)	$1,312.00
New Building w/ Improvements (25K to < 50K SF)	$2,460.00
New Building Shell with Improvements (≥50K sf). Fee = .0003 HR/SF * SF * $/HR	per fee factor
Addition, Alteration (< 5K SF)	$492.00
Addition, Alteration (5K to < 25K SF)	$1,312.00
Addition, Alteration (25K to < 50K SF)	$2,460.00
Addition, Alteration (≥50K SF). Fee = .0003 HR/SF * SF * $/HR	per fee factor
Over-the-Counter	per fee schedule
Plan Check by Appointment	per fee schedule
Missed Plan Check by Appointment	$164.00
Revision to Project. Fee = HR * $/HR. (Minimum 1 HR)	per fee factor

Activity	Permit Fee
CONSTRUCTION REVIEW/PERMIT/INSPECTION (continue)	
Tents, canopies, membrane structures	
4 or less	$492.00
5 or more	$656.00
Temporary Assembly (indoors or outdoors, with or without tent)	
Occupancy 50-299	$492.00
Occupancy 300-999	$820.00
Occupancy 1000 and greater	$1,312.00
Fire Extinguishing Systems	
Fire service underground repair, (each)	$328.00
Fire service underground new or replace, (each)	$820.00
New, Addition, Alteration to Sprinkler System (≤ 2K SF)	$492.00
New, Addition, Alteration to Sprinkler System (> 2K SF). Fee = $492 + (.0007 HR/SF * {SF-2k SF} * $/HR)	per fee factor
Hood and Duct Systems, (each)	$656.00
FM 200 (under floor systems, etc), (each)	$656.00
Other (deluge, foam, preaction, etc), (each)	$656.00
Fire Alarm Systems	
Addition, Alteration, Repair < 5 devices (for new panel, see schedule below)	$328.00
Addition, Alteration, Repair 5 to < 10 devices, (10 or more devices and/or new panel see schedule below)	$656.00
New Fire Alarm (≤ 5K SF)	$656.00
New Fire Alarm (> 5K SF). Fee = $656 + (.0006 HR/SF * {SF-5k SF} * $/HR)	per fee factor
Hazardous Materials - Building Construction	
Small TI (registration form, nitrous oxide and oxygen system)	$328.00
Medium TI (emergency generator, lift stations, aboveground tanks, treatment, large tank installations	$820.00
Large TI ("H" occupancy, plating)	$1,476.00
Toxic Gas Tools (furnaces, implanter, reactors)	$1,312.00
Closure – process/tools	$492.00

Activity	Permit Fee
CONSTRUCTION REVIEW/PERMIT/INSPECTION (continue)	
Closure - facility	
Small TI	no fee
Medium TI	$492.00
Large TI	$820.00
Underground Tank Installations	
2 tanks or less	$1,312.00
Each additional tank (beyond 2)	$328.00
Underground Tank Removals	
2 tank systems or less	$492.00
Each additional tank system (beyond 2)	$164.00
CERS & APSA (see notes 1), 2) and 3) at end of table)	
CERS (California Environmental Reporting System)	$328.00
APSA (Aboveground Petroleum Storage Act)	$328.00
INVESTIGATION/ENFORCEMENT	
Response/Investigation Fee	HR * $/HR
Fire Code Article 80 Release Cleanup	HR * $/HR
Referral Inspection (Life/Safety). Minimum charge 2 HR	$328.00
Referral Inspection (Haz Mat). Minimum charge 2 HR	$328.00
Enforcement Cost Recovery	HR * $/HR
MISCELLANEOUS	
After-hours inspections or plan check (Life Safety & Hazardous Materials). Fee = HR * OT$/HR, (minimum 3 HR)	3 HR minimum
Alternate Materials and Methods review	$656.00
Fire Watch. Fee = HR * hourly rate (Std. Or OT rate)	3 HR minimum
New Occupancy (new business)	$164.00
Smoke Detectors verification (new owner)	$164.00
Detection System maintenance certification	$164.00
Pre-inspection (residential care facilities)	Health & Safety Code
Title 19 5-year automatic fire sprinkler certification	$492.00
Response to DUI	HR * $/HR
Confined Space permits	HR * $/HR
Emergency Response – Haz Mat calls	HR * $/HR
Non-Milpitas Response	HR * $/HR

Activity	Permit Fee
MISCELLANEOUS (continues)	
Data input (HMBP/HMIS). Minimum of 2 hours	HR * $/HR
	Minimum of $286.00
Late fee – over 60 days	Collection Cost
Failure to obtain a permit	Double standard fee
Fire code permits not otherwise listed (2 HR minimum)	$328.00
Temporary C of O. Fee = (.5 HR * $/HR)	$82.00
Weed Abatement. Fee = (1 HR * $/HR)	$164.00
Unwanted Alarm	First two in 12 month time-frame, no charge
	3rd - $300.00
	4th - $600.00
	5th - $900.00
	All others $ 900.00
Training	Classroom:
	Trailer $ 60.00/HR
	Admin. $ 70.00/HR
	Instructor: HR * $/HR
Standard Hourly Rate = ($/HR)	$164.00
Overtime Hourly Rate (OT$/HR) = (Standard Hourly Rate * 1.5)	$246.00
Other activities not listed. Fee = HR * (Standard or OT Hourly Rate)	hours * hourly rate
Electronic Archive, (each permit)	$25.00
Fire Department Automation Fee, (each permit)	$6.77
Emergency Response Mapping - new projects. Fee = 1 * $/HR	$164.00

Notes

1) An APSA permit shall be included for projects involving petroleum hydrocarbons if the total on-site quantity of petroleum, in containers of 55 gallons, or greater, equals or exceeds 1,320 gallons.
2) A CERS fee shall be assessed if the total on-site quantity of all hazardous materials exceed the CERS reporting threshold specified in the Health and Safety Code, Chapter 6.95, Section 25503.5
3) A CERS fee shall be assessed for projects associated with the installation/modification of APSA, and all UST (underground storage tank) systems.

Abbreviations

APSA = Aboveground Petroleum Storage Act
CERS = California Environmental Reporting System
Haz. = Hazardous (Haz. Mat. - Hazardous Materials)
HR = Hour(s)
HMBP/HMIS = Hazardous Materials Business Plan/Haz. Mat. Inventory Statement
Insp. = Inspection
K = 1,000
OT = Overtime
OT$/HR = Overtime hourly rate
SF = Square footage
Std. = Standard
$/HR = Standard hourly rate

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING NEGATIVE DECLARATION AND CLIMATE ACTION PLAN

WHEREAS, on February 15, 2011, the Climate Action Plan (CAP) project was initiated to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020; and

WHEREAS, on March 20, 2013, the Planning Commission held a study session on the subject application, and considered evidence presented by City staff and other interested parties; and

WHEREAS, on April 10, 2013 the Planning Commission held a duly noticed public hearing on the Project at which time the Commission considered a written staff report as to the proposed application and its conformity with the requirements of Milpitas Municipal Code, the Negative Declaration, written and oral comments on the Negative Declaration and Climate Action Plan, and all other oral and written comments presented to it. Based on this evidence, the Planning Commission recommended that the City Council adopt the Climate Action Plan, adopt the proposed General Plan Text Amendments (GP13-0002), and adopt the Negative Declaration (Resolution No. 13-014); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and the Planning Commission recommended that they City Council adopt the Negative Declaration; and

WHEREAS, consistent with the CAP, a General Plan Text Amendment is proposed, however, since there are limitations on the number of times any single element of the General Plan can be amended, these amendments will be presented for adoption at a later date, coupled with another General Plan amendment effort; and

WHEREAS, on May 7, 2013, the City Council held a duly noticed public hearing to consider adoption of the Negative Declaration, and approval of the Project.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council further determines, finds and certifies as follows:

   A. Regarding the Project:

      i. The proposed project is consistent with the General Plan in that the Climate Action Plan supports the policies of the General Plan.

ii. The proposed project will not adversely affect the public health, safety, and welfare in that the Climate Action Plan is a strategic document that proposes reduction of greenhouse gas emissions.

B. Regarding the Negative Declaration:

i. On the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment.

ii. The negative declaration reflects the lead agency's independent judgment and analysis.

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

3. The City Council hereby approves and adopts the Climate Action Plan with Negative Declaration.

PASSED AND ADOPTED this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

_____

Mary Lavelle, City Clerk

_____

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____

Michael J. Ogaz, City Attorney

2-B

CLIMATE ACTION PLAN

A QUALIFIED GREENHOUSE GAS REDUCTION STRATEGY

Public Draft

March 2013

City of Milpitas

CLIMATE ACTION PLAN AND QUALIFIED GREENHOUSE GAS REDUCTION STRATEGY

Public Review Draft

March 1, 2013

Prepared by:

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Supported by funding from:

Santa Clara Valley Transportation Authority, Community Design & Transportation Program

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ABBREVIATIONS

Acronym	Term
AB	Assembly Bill
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BAU	business-as-usual
BGR	Milpitas Green Building Regulations
BMP	Bikeways Master Plan
C&D	construction and demolition waste
CALGreen	California Green Building Standards
CAP	Climate Action Plan
CARB	California Air Resources Board
CBTP	Community Based Transportation Plan
CCR	Title 24 of the California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CH_4	methane
CO_2	carbon dioxide
CSI	California Solar Initiative
EDP	Milpitas Economic Development Plan 2005
EIR	environmental impact report
GBR	Milpitas Green Building Regulations
GHG	greenhouse gas
HE	General Plan Housing Element
HERS	Home Energy Rating System
kW	kilowatts
kWh	kilowatt-hours
LCFS	Low Carbon Fuel Standard
LEED	Leadership in Energy Efficiency and Design

ABBREVIATIONS

Acronym	Term
LUE	General Plan Land Use Element
MPO	Metropolitan Planning Organization
MSP	Midtown Specific Plan
$MTCO_2e$	metric tons of carbon dioxide equivalent
MTFM	Milpitas Travel Forecasting Model
N_2O	nitrous oxide
OSECE	General Plan Open Space & Environmental Conservation Element
PG&E	Pacific Gas and Electric
Plant	San Jose/Santa Clara Water Pollution Control Plant
PPA	Power Purchase Agreement
RDA	Amended and Restated Redevelopment Plan for Project Area No. 1
RIP	2005–2010 Redevelopment Implementation Plan: Mid-Cycle Update
RPS	Renewables Portfolio Standard
SB	Senate Bill
SCS	Sustainable Communities Strategy
SFBAAB	San Francisco Bay Area Air Basin
SV-REP	Silicon Valley Collaborative Renewable Energy Procurement
TASP	Transit Area Specific Plan
TDM	Transportation Demand Management
TOD	transit-oriented development
VMT	vehicle miles traveled
VTA	Santa Clara Valley Transit Authority
ZEV	zero-emissions vehicle

1. Introduction

Purpose and Scope

This Climate Action Plan (CAP) is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020.

The City has a long-standing commitment to achieving environmental stewardship. The CAP allows City decision-makers and the broader community to understand the sources and magnitude of local GHG emissions, establish goals to reduce GHG emissions, and prioritize steps to achieve emissions reduction targets. The CAP establishes goals, measures, and actions in the energy, water, transportation, solid waste, and off-road equipment sectors. It also establishes implementation programs and a framework to monitor and report progress.

California Legislative Framework

The State of California has addressed energy and climate issues for nearly 40 years, and recent legislation is a driving force behind the City's CAP. A summary of recent state legislation by topic is provided in **Figure 1-1**.

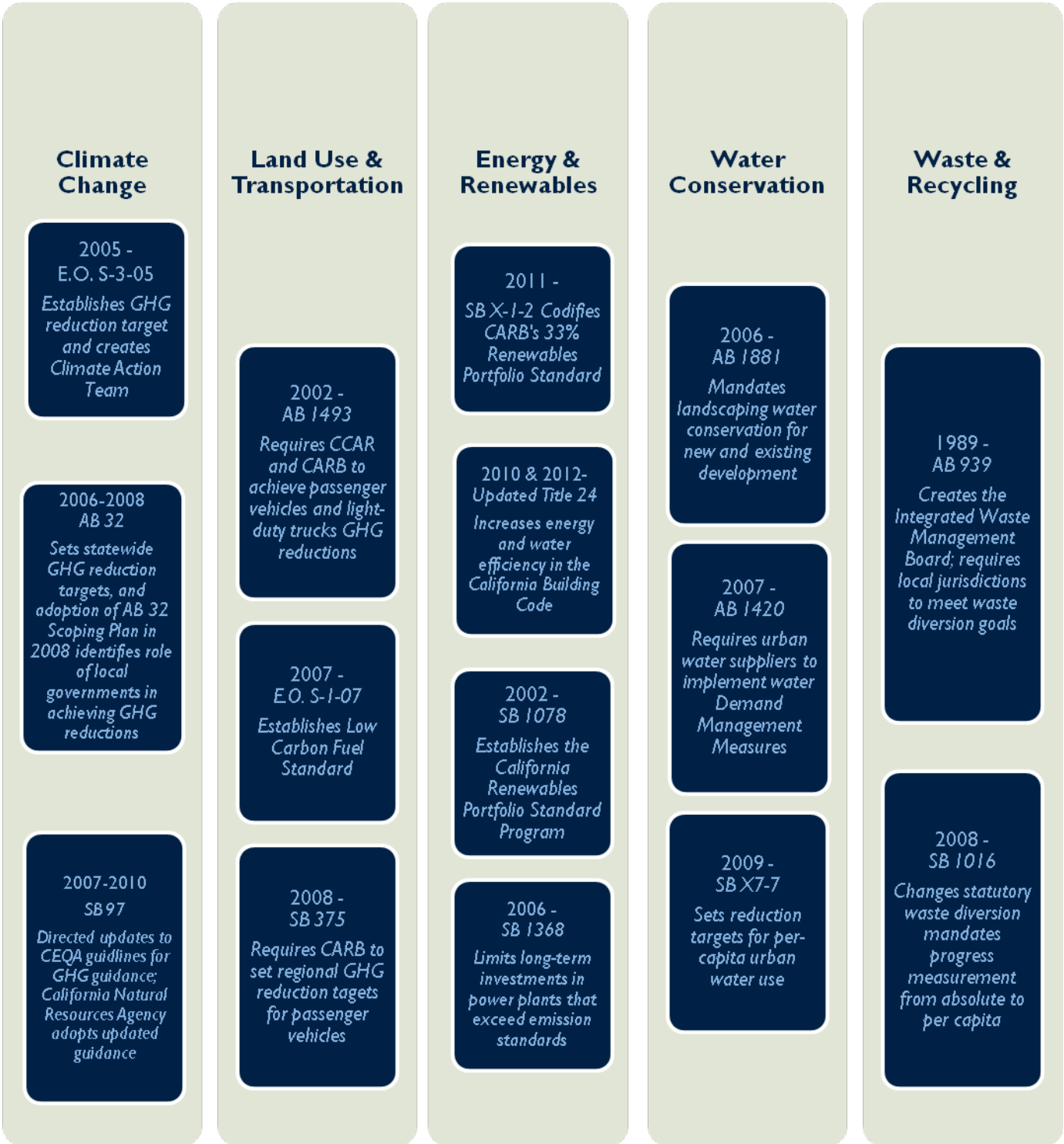
Planning Process

The City used a highly collaborative process to develop the CAP. The City held a joint community workshop and Planning Commission work session on August 24, 2011, to identify key opportunities for the CAP. At the workshop, the City introduced the CAP to the community, discussed Milpitas's current sustainability initiatives, and identified sustainability priorities. The City also collected input on potential CAP measures and actions. The City and the consultant presented technical information, and reviewed and discussed a series of posters summarizing existing sustainability policies and programs in Milpitas. Workshop participants shared their vision for a more sustainable Milpitas and the challenges and strategies for achieving that vision. Key priorities identified by participants included the need for innovative renewable energy financing programs, expansion of recycled water use and tree planting in new development, and more energy efficient development. Participants also identified pedestrian-oriented development and more efficient land use patterns as important priorities.

Public Workshop, August 24, 2011

1. Introduction

Figure 1-1: California Regulatory Framework Summary



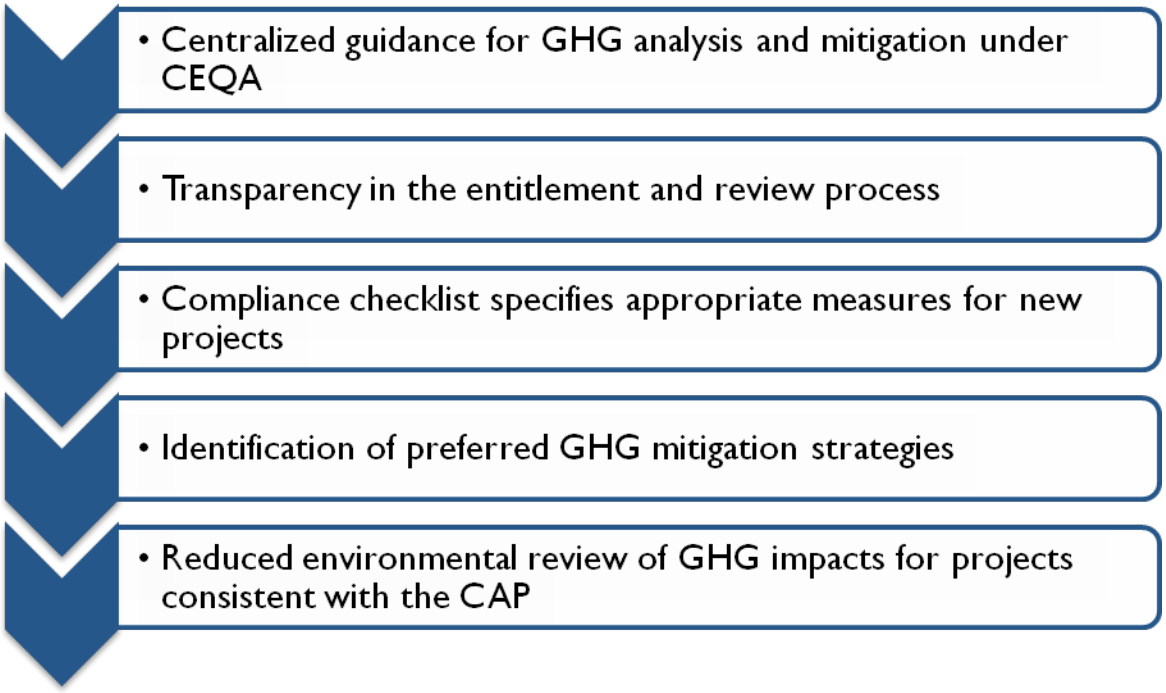
1. Introduction

Climate Action Plan Benefits

The CAP provides a policy framework for the City to reduce community-wide GHG emissions, while also simplifying the environmental review process for new development. Through the CAP, the City establishes predictability regarding mitigation strategies to address climate change. The City has completed environmental review of this CAP in compliance with CEQA through an Initial Study/Negative Declaration (IS/ND). Based on this analysis, the City may determine that CEQA streamlining benefits are available for projects deemed consistent with the CAP. This CAP allows the City to identify measures from this CAP that are appropriate for each project, and will serve as the City's tool to determine project compliance.

The CAP creates benefits for numerous community stakeholders, as summarized in **Figure 1-2**.

Figure 1-2: Climate Action Plan Benefits



How to Use This Plan

The CAP is the City's Qualified GHG Reduction Strategy. The City will use the CAP to achieve GHG emissions reductions in a manner consistent with Assembly Bill (AB) 32 within discretionary projects on a project-by-project basis and through ongoing planning activities and programs. The CAP identifies the City's expectations for new development, simplifying the environmental review process. This approach allows the CAP to serve as the City's one-stop shop for GHG analysis and mitigation pursuant to CEQA.

However, the City can only achieve the goals established in this CAP through community partnerships. As a result, the CAP is also a resource for the community, providing transparent expectations and information describing opportunities to reduce GHG emissions. Community members can use the CAP to identify programs and opportunities or to learn about local conditions and priorities.

RELATIONSHIP TO THE GENERAL PLAN AND CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City has developed the CAP to serve as a strategic planning document. While achieving GHG reductions, the CAP also implements objectives of numerous local planning documents and statewide regulations. The CAP is a stand-alone policy and implementation item coordinated with the adopted General Plan. The City will adaptively manage the CAP over time, maintaining flexibility to update the CAP as opportunities shift and new resources emerge.

Coordination with the General Plan

The Milpitas General Plan identifies energy efficiency, waste reduction, and efficient land use as priorities for the City. Numerous General Plan policies and recommendations in other planning documents would reduce GHG emissions. In turn, CAP measures, policies, and actions to reduce community-wide GHGs are aligned with General Plan goals and policies.

The CAP also supports Milpitas's specific and master plans. Through implementation of these plans, the City has already made significant progress to reduce future GHG emissions. The beneficial effects of these efforts are presented in both the City's emissions growth forecast in **Chapter 2** and in the existing measures section of **Chapter 4**.

Related Planning Documents

Transit Area Specific Plan
Adopted June 2008

Midtown Specific Plan
Amended October 2008

Bikeways Master Plan
Adopted June 2009

Trails Master Plan
Adopted June 1997

Role of the Climate Action Plan in CEQA Implementation

Consistent with the State CEQA Guidelines, lead agencies may use adopted GHG reduction plans to assess the cumulative impacts of discretionary projects on climate change. In addition, the guidelines provide a mechanism to streamline development review of future projects.

Specifically, lead agencies may use adopted plans consistent with State CEQA Guidelines Section 15183.5 to analyze and mitigate the significant effects of greenhouse gases under CEQA at a programmatic level by adopting a plan for the reduction of GHG emissions. Later, as individual projects are proposed, project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review in their cumulative impacts analysis. Project-specific environmental documents prepared for projects consistent with the General Plan and the CAP may rely on the programmatic analysis of greenhouse gases contained in the CAP.

A project-specific environmental document that relies on this CAP for its cumulative impacts analysis must identify specific CAP measures applicable to the project and demonstrate the project's incorporation of the measures. Project applicants and City staff will identify specific measures applicable to each project during project review. If applicable measures are not otherwise binding and enforceable, they must be incorporated as mitigation measures for the project. If substantial evidence indicates that the GHG emissions of a proposed project may be cumulatively considerable, notwithstanding the

project's compliance with specific measures in this CAP, an environmental impact report (EIR) must be prepared for the project.

Relationship to Bay Area Air Quality Management District CEQA Air Quality Guidelines

The BAAQMD has direct and indirect regulatory authority over sources of air pollution in the San Francisco Bay Area Air Basin (SFBAAB), of which Milpitas is a part. As described in Section 4 of the BAAQMD Air Quality CEQA Guidelines, a lead agency may prepare a Qualified GHG Reduction Strategy that is consistent with Assembly Bill (AB) 32 goals. The BAAQMD encourages such planning efforts and recognizes that careful early planning by local agencies is invaluable to achieving the state's GHG reduction goals. If a project is consistent with an adopted Qualified GHG Reduction Strategy that addresses the project's GHG emissions, it can be presumed that the project will not have significant greenhouse gas emissions under CEQA.

Milpitas's CAP and accompanying environmental documentation meet the standards of a Qualified GHG Reduction Plan (which parallel and elaborate upon criteria established in State CEQA Guidelines Section 15183.5(b)(1)), as presented in the chapters referenced below.

A. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area (see **Chapter 2**).

B. Establish a level, based on substantial evidence, below which the contribution of GHG emissions from activities covered by the plan would not be cumulatively considerable (see **Chapter 3**).

C. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area (see **Chapter 2**).

D. Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level (see **Chapter 4**).

E. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specific levels (see **Chapter 5** and **Chapter 6**).

F. Adopt the GHG Reduction Strategy in a public process following environmental review (see City Council resolution in **Appendix D**).

2. Inventorying and Forecasting Greenhouse Gas Emissions

This chapter presents quantified GHG emissions for existing and future activities within the city pursuant to Sections 15183.5(b)(1)(A) and 15183.5(b)(1)(C) of the State CEQA Guidelines and Sections 1 and 2 of the BAAQMD GHG Plan Level Quantification Guidance. For purposes of the CAP, this chapter assesses GHG emissions for the calendar years 2005 and 2020.

Inventory Purpose and Background

A GHG emissions inventory (Inventory) lays the groundwork for the entire CAP planning process. This Inventory catalogues GHG emissions for 2005 and projects emissions levels for 2020. To comply with state guidance, the CAP identifies an emissions reduction target for the forecast year (see **Chapter 3**). The difference between the emissions projection and the reduction target represents the necessary reduction in the amount of GHG emissions and sets the focus for the reduction measures presented in **Chapter 4**. Additional information on the Inventory is provided in **Appendix A**.

Emissions Sources

The Inventory includes all major sources of GHGs caused by activities in the Milpitas community and is consistent with methodologies recommended by the California Air Resources Board (CARB), ICLEI-Local Governments for Sustainability, and the BAAQMD. The Inventory analyzes the following emissions sources:

- **Transportation** – vehicle miles traveled (VMT) to and/or from the city in 2005
- **Energy** – electricity and natural gas used in the built environment in 2005
- **Stationary Sources** – direct emissions from the Newby Island Resource Recovery Park; stationary sources permitted by the BAAQMD
- **Solid Waste** – methane emissions from community waste sent to landfills in 2005
- **Off-road Equipment** – emissions from construction and from lawn and garden equipment/vehicles
- **Water and Wastewater** – energy required to extract, filter, move, and treat water consumed and/or treated in 2005
- **Light Rail** – electricity used by the Santa Clara Valley Transit Authority for commuters utilizing Milpitas light rail stops
- **Direct Wastewater** – Milpitas's share of fugitive emissions from the San Jose/Santa Clara Water Pollution Control Plant

2. Inventorying and Forecasting Greenhouse Gas Emissions

2005 Baseline Inventory

In 2005, the Milpitas community emitted approximately 744,150 $MTCO_2e$. **Table 2-1** reports these emissions by sector and ranks the sectors from highest to lowest.

Table 2-1: Baseline Greenhouse Gas Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	43%
Nonresidential	183,800	25%
Residential	64,230	9%
Stationary Sources	101,480	14%
Solid Waste	54,410	7%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%
Direct Wastewater	620	<1%
Total*	744,150	100%

** Due to rounding, the total may not equal the sum of component parts.*

Table 2-1 reports stationary source emissions, which include those from the Newby Island Resource Recovery Park, and direct wastewater emissions. Stationary sources are fixed emitters of air pollutants, such as power plants, stationary generators, petrochemical plants, and other heavy industrial sources. Since stationary source emissions are influenced by market forces beyond the City's local influence and are best regulated by the BAAQMD or through federal and state programs, they are reported in this Inventory for informational purposes only. Similarly, the City has limited control over the operation of the Newby Island Resource Recovery Park and the San Jose/Santa Clara Water Pollution Control Plant (Plant) and is unable to directly affect the emissions generated from previously generated waste and Milpitas's relatively small contribution to total direct wastewater emissions.

The baseline inventory guides future local policy decisions that relate to emissions within the City's influence; therefore, stationary sources, direct landfill emissions, and direct wastewater emissions are excluded from further discussion. **Table 2-2** and **Figure 2-1** reflect Milpitas's jurisdictional baseline of 642,050 $MTCO_2e$. Transportation was the largest sector (320,990 $MTCO_2e$), contributing about 50% of total emissions. Energy use was the second largest sector (248,030 $MTCO_2e$, 39%). Of these emissions, nonresidential energy use (183,800 $MTCO_2e$, 29%) comprised a greater percentage than residential energy use (64,230 $MTCO_2e$, 10%). The remaining 11% of emissions came from solid waste (54,410 $MTCO_2e$, 8%), water and wastewater (2,410 $MTCO_2e$, less than 1%), and light rail (1,070 $MTCO_2e$, less than 1%).

Carbon dioxide equivalent (CO_2e):

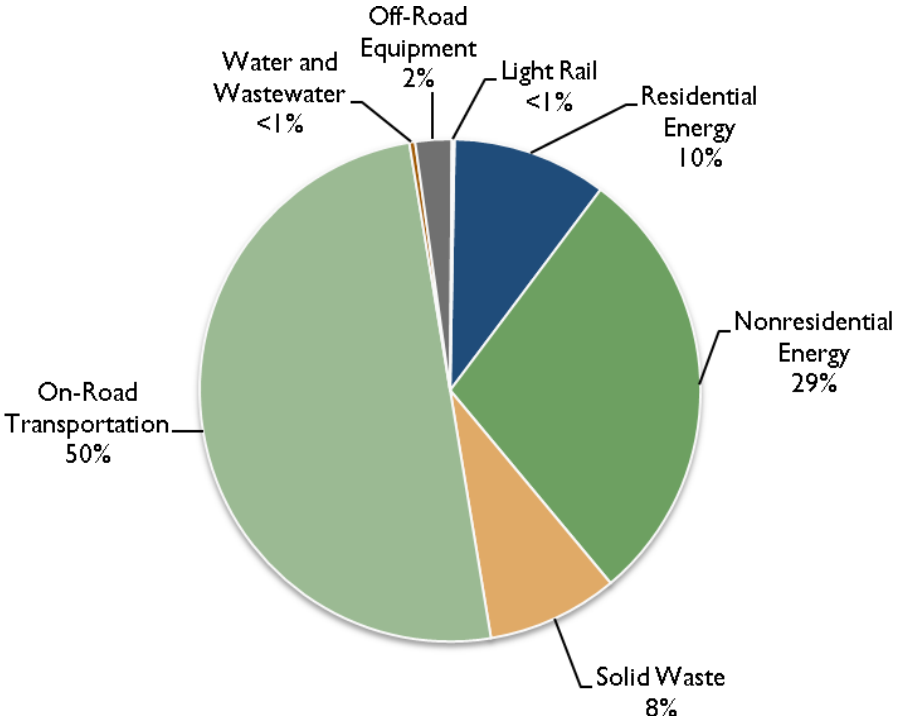
Represents the three main GHGs (carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O)) in comparable terms, since all three gases trap heat in the atmosphere differently.

Table 2-2: Jurisdictional Baseline Greenhouse Gas Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	50%
Nonresidential Energy	183,800	29%
Residential Energy	64,230	10%
Solid Waste	54,410	8%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%
Total*	642,050	100%

** Due to rounding, the total may not equal the sum of component parts.*

Figure 2-1: Jurisdictional Baseline Emissions by Sector



GREENHOUSE GAS EMISSIONS FORECAST

A GHG emissions forecast is an estimate of future GHG emissions based on anticipated changes in population, jobs, households, commercial activity, and driving patterns in the community. This forecast of community-wide emissions addresses 2020, the AB 32 horizon year. Two versions of the forecast are presented below—a business-as-usual (BAU) and a State-adjusted BAU (adjusted BAU) scenario.

BUSINESS-AS-USUAL FORECAST

The BAU forecast estimates how emissions would grow over time without influence from state, regional, and local GHG reduction efforts. This BAU forecast assumes 2005 energy consumption and energy efficiency rates and incorporates demographic information from the Association of Bay Area Governments (ABAG) 2009 regional population, household, and employment forecasts.

Increases in VMT in 2020 are derived from the Milpitas Travel Forecasting Model (MTFM), a transportation planning tool developed by Hexagon Transportation Consultants, Inc. The MTFM evaluates the traffic impacts anticipated to occur in the future as a result of additional planned development in Milpitas, considering the effects of the City's planning efforts, including policies and programs found in the Transit Area Specific Plan (adopted June 2008) and the Midtown Specific Plan (adopted March 2002, amended October 2008). Significant VMT reductions from future BART ridership based on extending the BART system through Milpitas to San Jose are integrated within the MTFM. In order to highlight the many local benefits of this new ridership, the VMT reductions associated with BART have been removed from the model and are included in CAP Measure 6.1. For further explanation of this modification, see **Appendix B**.

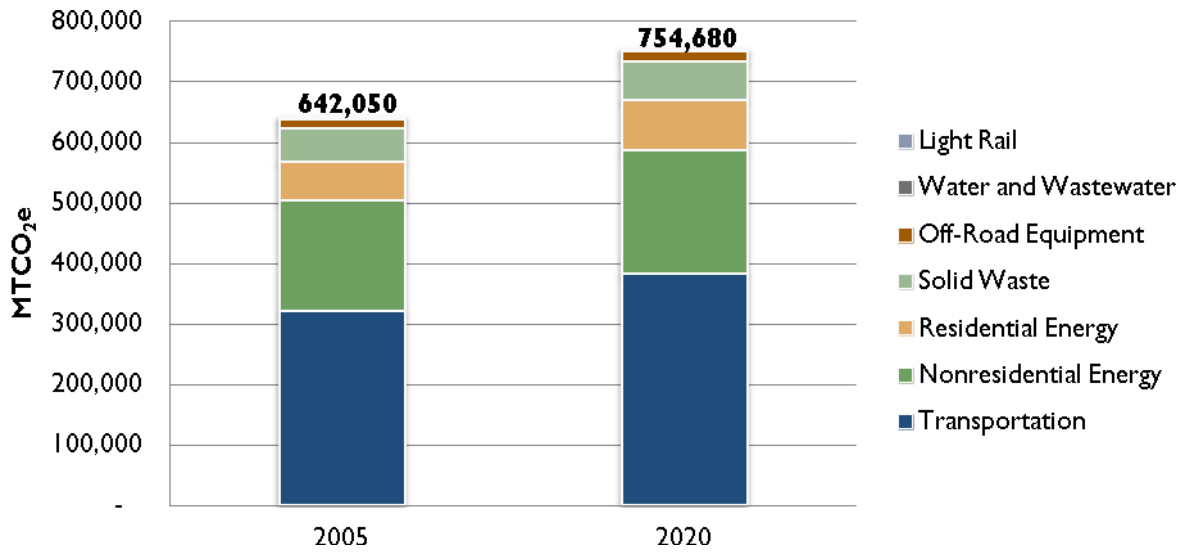
As shown in **Table 2-3** and **Figure 2-2**, without state or local action, emissions would grow 18% from 2005 to 2020. Energy emissions would grow the most among the sectors (39%). The next largest sector would be light rail, followed by transportation, solid waste, and water and wastewater, all of which are expected to increase 20%. Many of these increases result from planned residential development in coming years.

Table 2-3: Business-as-Usual Emissions Forecast, 2020

	2005 $MTCO_2e$	2020 $MTCO_2e$	Percentage Change
Transportation	320,990	383,630	20%
Nonresidential Energy	183,800	203,000	10%
Residential Energy	64,230	83,090	29%
Solid Waste	54,410	65,290	20%
Off-Road Equipment	15,140	15,460	2%
Water and Wastewater	2,410	2,890	20%
Light Rail	1,070	1,320	23%
Total*	642,050	754,680	18%

** Due to rounding, the total may not equal the sum of component parts.*

Figure 2-2: Business-as-Usual Emissions Forecast, 2020



ADJUSTED BUSINESS-AS-USUAL FORECAST

The adjusted business-as-usual (adjusted BAU) forecast estimates how state renewable energy, building energy efficiency, low-GHG transportation fuels, and vehicle fuel efficiency actions will reduce emissions in Milpitas. This adjustment creates a more realistic estimate of the city's future emissions since the reductions will require little to no effort on behalf of the City, yet count toward a locally established GHG emissions reduction target. A general overview of these state reduction programs is presented below. A more in-depth discussion is provided in **Appendix B**.

California Renewables Portfolio Standard (RPS): Senate Bill (SB) 1078 (signed September 2002) and SBX 1-2 (signed April 2011) mandate that 33% of electricity delivered in California be generated by renewable sources like solar, wind, and geothermal by 2020.

Pavley Vehicle Standards: AB 1493 (Pavley, 2002) requires new passenger vehicles to reduce tailpipe GHGs by about 18% by 2020 through improvements in fuel efficiency.

Low Carbon Fuel Standard (LCFS): Executive Order S-01-07 (2007) established the LCFS to reduce the GHG intensity of transportation fuels 10% by 2020. According to the May 2011 Updated BAAQMD CEQA Air Quality Guidelines, the LCFS is likely to reduce emissions locally by only 7.2%, due to the exclusion of up-stream emissions and reductions. LCFS reductions apply to both on-road transportation and off-road equipment.

Title 24, Energy Efficiency Standards: Title 24 of the California Code of Regulations (CCR) mandates how new homes and businesses are built in California. The adjusted BAU forecast accounts for improvements in energy efficiency and green design in new buildings in Milpitas associated with baseline implementation of the 2010 California Green Building Standards Code (CALGreen).

California Solar Initiative (CSI): The CSI provides cash rebates for residents and businesses installing electric solar panel systems. The program is estimated to deplete its funding reserves in 2016.

Medium- and Heavy-Duty Vehicle Efficiency Standards: Fuel efficiency improvements are also anticipated for medium- and heavy-duty vehicles that are not covered by the Pavley standards. Guidance for quantifying these reductions comes from the December 2009 BAAQMD Proposed Thresholds of Significance.

Impact of State Reduction Programs

As shown in **Table 2-4**, implementation of the above-listed state programs would reduce BAU emissions by 128,980 $MTCO_2e$ in 2020. Most of these reductions come from the Pavley standards and cleaner Pacific Gas and Electric (PG&E) energy pursuant to the RPS. Compared to the BAU scenario, 2020 emissions with state reduction measures would be 3% below baseline 2005 levels, rather than 18% above. **Appendix B** provides a detailed look at the how each state GHG reduction program affects the individual inventory sectors.

Table 2-4: Summary of Adjusted Business-as-Usual Emissions Forecast

State Reduction Summary		2020 $MTCO_2e$ Reduction
BAU Emissions Forecast		754,680
State Reductions	Pavley Vehicle Standards	-63,570
	Low Carbon Fuel Standard	-28,730
	Medium/Heavy-Duty Vehicle Efficiency	-840
	Renewables Portfolio Standard	-27,360
	California Solar Initiative	-360
	Title 24	-7,830
Total State Reductions		-128,980
Adjusted BAU Emissions Forecast		625,520

3. Identifying a Greenhouse Gas Reduction Target

This chapter establishes a GHG reduction target for the City of Milpitas, consistent with Section 15183.5(b) of the State CEQA Guidelines and Section 4.3(B) of the BAAQMD CEQA Air Quality Guidelines.

Purpose of the Greenhouse Gas Reduction Target

The GHG reduction target is the overarching goal of the CAP and an objective way to measure the success of the Qualified GHG Reduction Strategy. The purpose of the reduction target is to identify a level of community GHG emissions below which emissions would not be cumulatively considerable under the State and BAAQMD CEQA Guidelines.

Guidance for Local Targets

The State CEQA Guidelines provide general direction that a CAP or similar GHG reduction document should set an emissions reduction target. Lead agencies are responsible for setting targets for future years. For jurisdictions in the Bay Area, the June 2010 BAAQMD CEQA Air Quality Guidelines identify several GHG emissions reduction targets based on consistency with AB 32 that could be used by Bay Area jurisdictions.[1] The BAAQMD presents these targets as thresholds, which are quantitative targets used in the environmental review process to determine if a plan's or a project's GHG emissions are significant. Based on technical assessment for conditions in the Bay Area, the BAAQMD identified three thresholds for plan-level GHG analysis:

- Reduce emissions to 1990 levels by 2020;
- Reduce emissions 15% below baseline (2008 or earlier) emission levels by 2020; or
- Meet the plan efficiency threshold of 6.6 $MTCO_2e$ per service population.[2] Additionally, the BAAQMD CEQA Guidelines identify an efficiency threshold for land use projects of 4.6 $MTCO_2e$ per service population

These guidelines provide certainty for lead agencies working to achieve consistency with AB 32, the Global Warming Solutions Act of 2006. The AB 32 Climate Change Scoping Plan identifies a State-recommended reduction target for local governments to achieve 1990 emissions levels by 2020, which the Scoping Plan equates to an approximate 15% reduction below existing emissions. Nothing in the

[1] The BAAQMD June 2010 adopted thresholds of significance were challenged in a lawsuit. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the district had failed to comply with CEQA when it adopted the thresholds and ordered the BAAQMD to examine whether the thresholds would have a significant impact on the environment under CEQA before recommending their use. The court did not determine whether the thresholds are or are not based on substantial evidence and thus valid on the merits. The court issued a writ of mandate ordering the district to set aside the thresholds and cease dissemination of them until the district had complied with CEQA. As the court did not determine whether the thresholds are or are not based on substantial evidence and thus valid on the merits, the City can continue to rely on the substantial evidence based on data and analysis relative to AB 32 that underlies the June 2010 BAAQMD thresholds in making an independent determination of significance of plan-level GHG impacts pursuant to State CEQA Guidelines Section 15064.7(c).

[2] Service population equals the sum of residents and employees within the community.

3. Identifying a Greenhouse Gas Reduction Target

State CEQA Guidelines, the BAAQMD Air Quality Guidelines, or the AB 32 Scoping Plan identifies 15% as a minimum or fair-share level of reductions for local agencies.

Milpitas Target Greenhouse Gas Emissions Level

This CAP establishes a local GHG reduction target of 15% below baseline 2005 emissions levels by 2020. Both the AB 32 Climate Change Scoping Plan and the June 2010 BAAQMD CEQA Air Quality Guidelines provide substantial evidence supporting use of this target by the City of Milpitas.

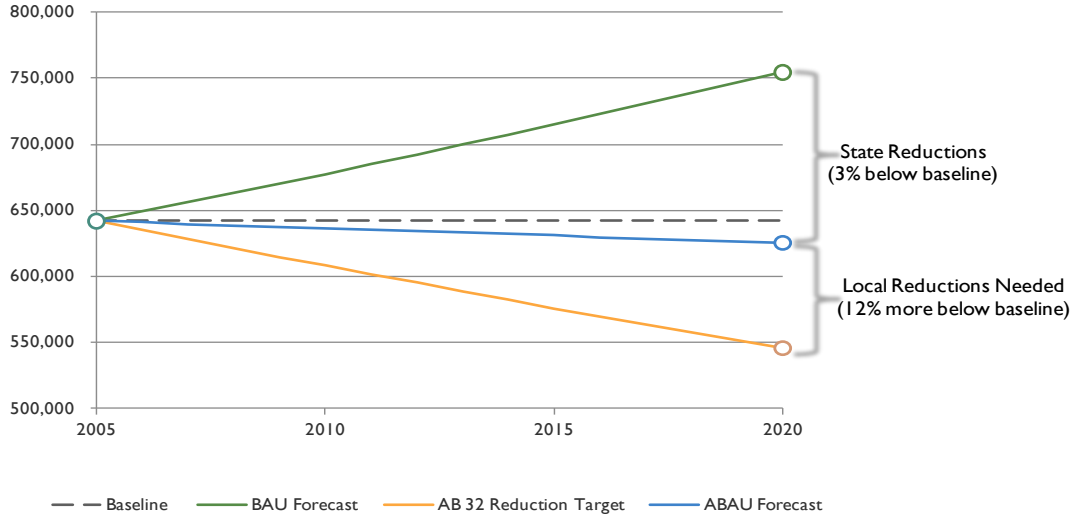
This target serves as the City's cumulative level of significance for community-wide GHG emissions through 2020. The reduction target equates to a 96,300 $MTCO_2e$ reduction in community-wide GHGs from baseline 2005 levels by 2020. It will require a reduction of 79,780 $MTCO_2e$ from 2020 adjusted BAU forecast levels.

The CAP provides a road map to achieve this target in the context of planned growth and development. The City will close the gap between forecast emissions and the reduction target by implementing measures and actions identified in **Chapter 4**. **Table 3-1** and **Figure 3-1** identify the 3% reduction from baseline emissions anticipated with implementation of state policies and programs, and the 12% gap that local GHG reduction measures will address to achieve the 15% reduction target.

Table 3-1: Greenhouse Gas Emissions Target and Necessary Local Reduction

	2020 $MTCO_2e$
Reduction Target (15% below baseline)	545,740
Adjusted Business-as-Usual Forecast	625,520
Local Reduction Needed to Reach Target	-79,780

Figure 3-1: Greenhouse Gas Emissions Target and Necessary Local Reduction



4. Reducing Greenhouse Gas Emissions

This chapter presents a GHG reduction strategy for activities within Milpitas consistent with Section 15183.5(b)(1)(D) of the State CEQA Guidelines and Section 2.1 of the BAAQMD GHG Plan Level Guidance. The measures and actions presented in this chapter include specified performance standards. With anticipated growth, development, and implementation of these performance standards on a project-by-project basis, the City will collectively achieve the GHG reduction target of 15% below 2005 emissions by 2020. Documentation and methods provided in **Appendix B** provide substantial evidence supporting quantification of these emissions reductions.

Greenhouse Gas Reduction Measures

Two categories of GHG reduction policies are presented in this CAP: (1) existing activities and (2) CAP measures and actions. Existing activities include projects or programs enacted since the 2005 baseline year, which will result in future GHG reductions and which existed before the creation of this CAP in 2013. Such projects include municipal solar and tree planting efforts, as well as existing requirements for energy efficiency in new development. CAP measures and actions were created for this document through a collaborative planning process. The City will implement these measures and actions through new and existing programs, standards for new development, and programs that improve the efficiency of existing development.

Related Terms

To ensure successful implementation and evaluation, each GHG reduction measure included in this CAP identifies the following, in either the measure description or the associated implementation matrix (**Chapter 6**).

- **GHG Reductions ($MTCO_2e$)** are estimated and reported for 2020, and evaluated against the adjusted BAU forecast and 2020 reduction target.
- **Responsible Department** identifies the City department responsible for implementing each measure, including securing funding, reporting on annual progress, and coordinating with supporting agencies and community partners.
- **Performance Metrics** describing the percentage participation rate and the number of participants emphasize efforts necessary to implement each measure.
- **Regional Partners** can assist the City to implement the measures and actions necessary to achieve each reduction.
- **Additional Resources** describe the nuances of each measure and action using case studies, example ordinances, and other similar information.
- **Co-Benefits** identify additional advantages of implementing a measure beyond reducing GHG emissions. For example, the public health benefits of a bicycle outreach and education program cannot be quantified but can be represented as a co-benefit. In this document, co-benefits are defined as follows:

4. Reducing Greenhouse Gas Emissions

Summary of Reductions

Table 4-1 summarizes anticipated $MTCO_2e$ reductions in 2020 from existing activities and CAP measures, illustrating how statewide policies in the adjusted BAU forecast and these local actions will reduce GHGs by 16.2% (87,450 $MTCO_2e$) from baseline 2005 emission levels, exceeding the 15% reduction target by 2020.

Table 4-1: Summary of Total Greenhouse Gas Reductions and Progress Toward Target

	2020 $MTCO_2e$
Local Reductions Needed to Achieve 15% Target	-79,780
Reductions Achieved (Existing + CAP Measures)	-87,450
Percentage Below Baseline	-16.2%

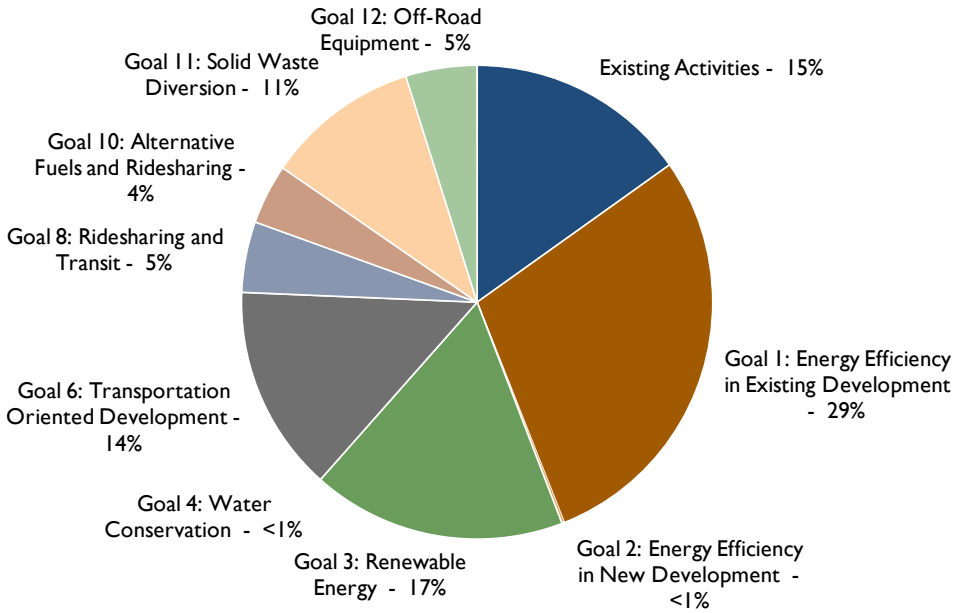
Table 4-2 summarizes how the existing measures, each CAP goal topic, and individual reduction measures contribute to the 87,450 $MTCO_2e$ of GHG reductions in 2020. Energy measures are the largest contributor to GHG reductions, representing nearly half (40,580 $MTCO_2e$, 46%) of the anticipated reductions. Transportation and land use measures comprise 23% (20,170 $MTCO_2e$) of the anticipated reductions. Existing measures are the third largest reduction category, comprising about 15% (13,240 $MTCO_2e$) of the anticipated reductions. Solid waste measures (9,200 $MTCO_2e$, 11%) and off-road equipment measures (4,260, 5%) make up the remaining reductions.

Table 4-2: Greenhouse Gas Reductions by Goal Topic

Topic	Goals/Category	2020 $MTCO_2e$ by Goal	2020 $MTCO_2e$ by Goal Topic
Existing Activities	Existing Activities	-13,240	-13,240
Energy	Goal 1: Energy Efficiency in Existing Development	-25,240	-40,580
	Goal 2: Energy Efficiency in New Development	-150	
	Goal 3: Renewable Energy	-15,200	
Water	Goal 4: Water Conservation	<-10	<-10
Transportation & Land Use	Goal 5: Mixed-Use Development	Supportive	-20,170
	Goal 6: Transportation-Oriented Development	-12,350	
	Goal 7: Bicycle- and Pedestrian-Oriented Development	Supportive	
	Goal 8: Ridesharing and Transit	-4,230	
	Goal 9: Parking	Supportive	
	Goal 10: Alternative Fuels and Ridesharing	-3,590	
Solid Waste	Goal 11: Solid Waste Diversion	-9,200	-9,200
Off-Road Equipment	Goal 12: Off-Road Equipment	-4,260	-4,260
Total Reductions			-87,450

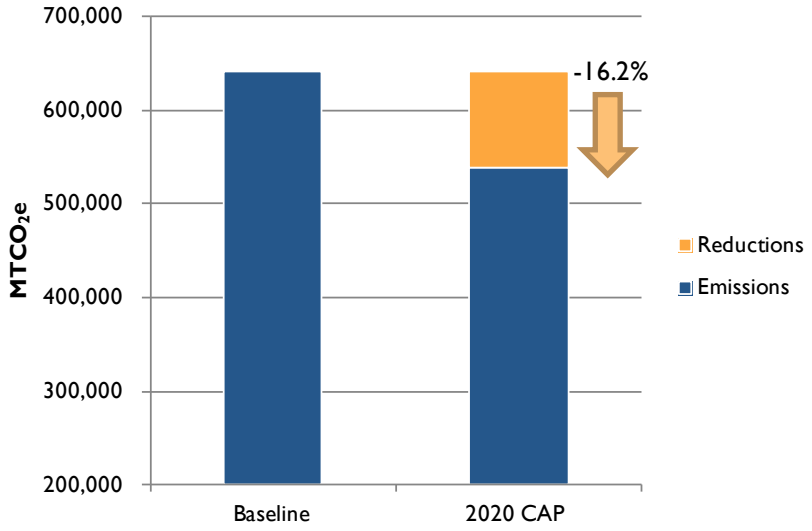
Figure 4-1 summarizes quantified GHG reductions by goal. This presentation enables the City to focus implementation on those goals and measures that will have the greatest effect on Milpitas's future emissions.

Figure 4-1: Greenhouse Gas Reductions by Goal



As shown in **Figure 4-2**, with implementation of the CAP and anticipated growth in Milpitas, community-wide GHG emissions would decrease by 16.5% from baseline 2005 levels in 2020.

Figure 4-2: Total Reductions to Reach 2020 Reduction Target



4. Reducing Greenhouse Gas Emissions

Activities Since Baseline

The City of Milpitas has a proven history of developing and implementing GHG reduction activities. Emissions reductions from these activities will take place regardless of the development of the CAP. They are included in this plan because the City has not previously quantified them, and they count toward achievement of the GHG emissions reduction target. These measures also highlight how proposed CAP measures build upon existing efforts.

The CAP accounts for GHG reductions since baseline year 2005 attributable to the following programs:

- **Waste reduction.** The CAP quantifies efforts of regional and local recycling and composting programs used by Milpitas residents and businesses since 2005.

- **New multi-family development.** According to adopted General Plan assumptions contained within the MTFM, 80% of future residential development in Milpitas will be multi-family. Multi-family development typically uses less energy, particularly heating energy.

- **Bikeways Master Plan.** GHG reductions in the CAP follow the tiered implementation schedule found in the Milpitas Bikeways Master Plan, assuming full implementation of all Tier I and Tier II measures within the Bikeways Master Plan by 2020. The reductions are associated with commuter mode shifts from personal vehicles to bicycles.

- **Municipal solar power purchase agreement.** The City entered into a solar power purchase agreement (PPA) with EcoPlexus Solar Solutions, supporting total generation of 1,227 kilowatts (kW). The City is currently installing three solar electric systems at the sewer pumping station, the Gibraltar pumping station, and the Milpitas Sports Center.

- **Water conservation.** According to the City's 2010 Urban Water Management Plan, homes and businesses in the community will reduce water use 20% from 2005 levels by 2020 to comply with state water conservation requirements. About half of the associated energy use reductions are attributed to the City's existing activities since these reductions took place between the baseline year and the publication of this CAP.

- **Recycled water.** The City has achieved energy reductions through increased use of recycled water throughout the community. Using recycled water for landscaping reduces the amount of potable drinking water used for this purpose.

- **Green building program.** The City's community green building program utilizes the Build It Green and Leadership in Energy Efficiency and Design (LEED) programs. Energy reductions achieved from the existing green building program are not calculated because the information needed to quantify the program is unavailable.

Table 4-3 summarizes anticipated GHG reductions in 2020 from these existing efforts. Nearly two-thirds of these reductions are attributed to the City's waste reduction efforts (8,740 $MTCO_2e$), and more than a quarter result from the large amount of planned multi-family development (3,440 $MTCO_2e$). The Bikeways Master Plan is expected to reduce GHG emissions by 590 $MTCO_2e$, and the City's solar PPA will reduce emissions by 270 $MTCO_2e$ in 2020.

Table 4-3: Greenhouse Gas Reduction Summary for Existing Activities, 2020

	2020 $MTCO_2e$
Waste reduction	-8,740
New multi-family development	-3,440
Bikeways Master Plan	-590
Municipal solar power purchase agreement	-270
Water conservation	-190
Recycled water	-10
Total*	-13,240

** Due to rounding, the total may not equal the sum of component parts.*

Measures and Actions

The following section presents goals, measures, and actions for each of the following reduction topics: energy, water, transportation and land use, solid waste, and off-road equipment. Goals serve to guide reduction measures that outline specific and measurable actions. In turn, actions are specific steps the City must take in order to properly implement each reduction measure and achieve the goals. The relationship between goals, measures and actions is presented in **Figure 4-3**.

Figure 4-3: Goals, Measures, and Actions

Participation metrics are presented for quantified measures and represent both the number of participants and the percentage of the total or subtotal category presented. For example, Measure 1.1 has a participation metric of 6,030 homes built before 1980 (25%). In other words, to achieve the stated GHG reduction, 25% of homes built before 1980, or 6,030 homes, must participate in the listed actions over the life of the plan by 2020. For all nonresidential energy measures, it is assumed that there were 5,900 businesses in Milpitas in 2005.

4. Reducing Greenhouse Gas Emissions

Energy

Goal 1: Increase energy efficiency and conservation in the city's existing building stock.

Measure 1.1: Residential Energy Audits in Older Homes

Facilitate energy audits of 40% of the city's existing housing stock by 2015 and 60% by 2020 through City-supported incentives.

Actions

A. Relying on regional funds and utility-sponsored efforts, develop a local incentive audit program to identify representative housing types for building audits that can be used to recommend audits for other homes with similar characteristics.

B. Create a plan to prioritize older neighborhoods for audits that leverage regional and utility programs for affordable housing, allowing the City to maximize energy efficiency resources and rely on regional or state funding programs.

C. Pursue grant funding for energy audits.

D. Pursue regional collaboration and partnerships for grants or other funding opportunities.

E. Connect businesses and residents with voluntary programs that provide free or low-cost energy efficiency audits.

Measure 1.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -3,930

Participation Metrics: 6,030 existing homes built before 1,980 (25%)

Measure 1.2: Energy Upgrade California

Connect homeowners to financing options, such as Energy Upgrade California, for energy efficiency retrofits.

Actions

A. Continue City involvement in Energy Upgrade California.

B. Designate a City staff representative to track and promote energy efficiency opportunities.

C. Continue partnerships with Joint Venture Silicon Valley, nonprofits, and other jurisdictions to leverage knowledge and resources for retrofit opportunities.

D. Provide information to homeowners regarding financing opportunities for retrofits.

Measure 1.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -10,360

Participation Metrics: 3,260 (25%) existing single-family and 630 (15%) existing multi-family homes

Measure 1.3: Discretionary Project Review

Apply the City's Climate Action Plan Development Checklist (Appendix C) as Part of the City's discretionary project review process.

Actions

A. Update the City's general residential and commercial project checklists to include provisions identified in **Appendix C** for use during plan review and building permit review of remodels.

B. Update the City's discretionary review guidance to encourage energy efficiency improvements in remodels and other projects exempt from the City's Green Building Code.

Measure 1.3: Implementation Metrics
2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated
Participation Metrics: Supportive Measure – Not Applicable

C. Work with utility providers to provide a packet of residential and nonresidential energy efficiency financing information during pre-application meetings and plan review.

D. Work with regional, real estate, building owner, and commercial developer organizations to encourage green mortgage financing that increases the resale value of property.

Measure 1.4: Energy Benchmarking

Encourage energy benchmarking in the existing residential and nonresidential building stock, building on regulatory benchmarking programs and existing green building standards to help close the energy efficiency information gap.

Actions

A. Leverage the efforts of regional partners, including the Bay Area Regional Energy Network (REN), to promote regional Energy Star Portfolio Manager and energy benchmarking training for City staff and for nonresidential building owners.

B. During the annual CAP progress report (as identified in **Chapter 6**), use reports from PG&E to summarize community trends and refine energy efficiency reduction measures.

C. Encourage participation in the voluntary Home Energy Rating System (HERS) ratings for homes.

D. Promote energy and green building labeling as a tool to prepare for retrofits.

Measure 1.4: Implementation Metrics
2020 GHG Reduction ($MTCO_2e$): -8,260
Participation Metrics:
4,560 existing sold homes (50%) benchmarked
1,140 existing sold homes audited and retrofitted (25%)
2,960 existing sold/leased nonresidential buildings (50%) benchmarked
740 existing sold/leased nonresidential buildings (25%) audited and retrofitted

E. Work with homeowner and realtor groups to promote the benefits of home energy labeling as a tool to increase appreciation value.

Measure 1.5: Urban Cooling

Achieve urban cooling through voluntary and mandatory standards for new development and additions.

Actions

A. Amend the Zoning Code to create tree planting standards for new and renovated development, to require the planting of two trees in single-family development in the front, side, or rear yard as feasible, and to create lineal landscaping standards for commercial development that identify a minimum number of tree plantings based on lineal frontage length.

B. Support outreach and education describing benefits of cooling strategies, including promotion of the Cool California website and resources on the City website and at City Hall.

C. Encourage remodels to comply with CALGreen cool roof requirements by promoting available resources on the City website, through plan review, and at community events, as appropriate.

D. Continue to promote passive solar design (supports Housing Element Policy F-1.2).

E. Reduce heat gain from surface parking lots in new development for a minimum of 50% of the site's hardscape. Develop standards to provide shade from the existing tree canopy or from appropriately selected new trees that complement site characteristics and maximize drought tolerance. Where feasible, use open-grid pavement systems (at least 50% pervious, which would also satisfy the stormwater Low Impact Development requirement).

Measure 1.5: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -950

Participation Metrics:

890 remodeled homes and 2,920 new homes (100%) comply with tree planting standards (2 trees each)

450 existing homes (3%) participate in passive cooling outreach programs

220 remodeled homes (1%) install cool roofs and 730 new homes (25%) install passive solar

Measure 1.6: Smart Grid Integration

Phase in requirements for the use of smart-grid-integrated appliances and energy monitors in all new development by 2018 as such appliances become commercially available and economically feasible.

Actions

A. Adopt new development standards to encourage the integration of smart-grid appliances.

Measure 1.6: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -180

Participation Metrics:

840 (95%) new homes between 2018 and 2020

100 (95%) new businesses between 2018 and 2020

Measure 1.7: Appliance Upgrades

Use partnerships to promote appliance trade-in and upgrades.

Actions

A. Provide educational materials about energy-efficient appliances to the community, on the City website, and at City Hall, including publications produced by state and regional partners such as Energy Star and the California Energy Commission.

B. Promote the use of appliance rebates from PG&E and the Santa Clara Valley Water District as funding is available, including using PG&E's online portal for appliance rebates.

Measure 1.7: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -1,560

Participation Metrics:

3,260 existing single-family homes (25%)

1,960 existing multi-family homes (15%)

880 existing businesses (15%)

Measure 1.8: Online Energy Monitoring

Encourage participation in online energy monitoring programs as utilities develop and deploy online systems.

Actions

A. Encourage the use of smart-grid and Energy Star appliances.

B. Provide educational information on the use of smart-grid-integrated appliances through the City's website and the distribution of appliance information from PG&E.

Measure 1.8: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

GOAL 2: IMPLEMENT INNOVATIVE BUILDING STANDARDS TO SET THE PATH TOWARD ZERO NET ENERGY IN NEW DEVELOPMENT.

Residential and nonresidential buildings in Milpitas depend on electricity and natural gas for lighting, heating, cooling, and running appliances. Energy efficiency is a key component of any strategy that seeks to reduce energy use and greenhouse gases. As Milpitas is a high-growth community expected to add 5,240 households and 4,970 jobs from 2005 to 2020, energy efficiency in new development will be an essential element of the City's plan to reach its GHG reduction target. The City of Milpitas adopted Green Building Regulations in June 2009, which apply to most new building construction projects. Depending on the size and end-use, projects are required to achieve either LEED certification, LEED silver, or Build It Green Rated status.

GOING BEYOND TITLE 24

Several programs exist that can help new and existing development go beyond minimum building standards. These include the City's Green Building Regulations (adopted in June 2009), CALGreen, LEED, Build It Green, and Energy Star-rated homes and businesses.

New development can benefit from new building standards in numerous ways, including lower building operation costs that can attract tenants, marketing potential of a more sustainable design, and benefits from streamlined environmental review. Various programs are available to help homes and businesses go beyond the savings prescribed in the California Building Code. New residential development can meet CALGreen, LEED, Build It Green, or Energy Star standards. New nonresidential buildings can meet CALGreen, LEED, and Energy Star building standards. The City can amend and modify existing Green Building Regulations for greater energy savings in new development.

MEASURE 2.1: ENERGY EFFICIENCY IN NEW DEVELOPMENT

ENCOURAGE NEW DEVELOPMENT AND REMODELS TO EXCEED MINIMUM BUILDING STANDARDS FOR ENERGY EFFICIENCY AND CONTINUE IMPLEMENTATION OF THE ADOPTED GREEN BUILDING ORDINANCE.

Measure 2.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -150

Participation Metrics:

60 new single-family (10%) and 350 new multi-family homes (15%)

30 new average-size businesses (10%)

Actions

A. Incentivize new development to exceed minimum building standards through permit fee reductions.

B. Consider the development of an equipment lease-to-own program to offset the cost of energy-efficient equipment purchases.

C. Continue to require new multi-family buildings to complete a LEED or Green Point Rated checklist [Milpitas Municipal Code (MMC) II-20-3.01(a)].

D. In addition to CALGreen Tier I energy efficiency requirements, new nonresidential construction between 25,000 and 49,999 gross square feet must still obtain LEED certification (with verification) (MMC II-20-3.01(b)). New nonresidential construction or renovations greater than or equal to 50,000 gross square feet must be verified as LEED silver (MMC II-20-3.01(c)). Construction or renovations of municipal buildings greater than or equal to 50,000 square feet must be LEED silver (MMC II-20-3.01(d)).

Goal 3: Maximize the provision of local energy needs from renewable energy use in new and existing uses.

The City's developed urban landscape and high-growth future provide diverse opportunities for use of renewable energy resources. The intent of this goal is to shift a portion of energy consumption away from traditional electricity and natural gas (i.e., fossil fuels) to renewable energy sources. Both natural gas and electricity can be offset by renewable sources that are profitable, yield cost savings to users, and spur local energy independence. Through this goal, the City will reduce GHG emissions from traditional electricity production and natural gas by promoting the production of local, on-site renewable energy for both residential and nonresidential uses. Through these measures, the City will continue to lead the region by example through its innovative use of alternative and renewable energy sources that save money. For all measures in Goal 3, the assumed average size of solar electric systems is 3.5 kilowatts (kW) for residential systems and 25 kW for nonresidential systems.

Measure 3.1: Renewable Energy in New Development

Adopt new standards to require renewable energy in new development and encourage renewable energy facilities through the discretionary process.

Actions

A. Encourage through the discretionary process all new nonresidential development to meet energy needs with renewable energy sources.

B. Require all new single-family and multi-family residential development to comply with the Homebuyer Solar Option, either to provide pre-wiring for photovoltaic roof systems or to provide an in-lieu fee for off-site solar facilities, building on current standards of the Transit Area Specific Plan.

Measure 3.1: Implementation Metrics
2020 GHG Reduction ($MTCO_2e$): -1,360
Participation Metrics: 200 new nonresidential facilities (5%) and 1,210 new residential homes (60%) pre-wired for solar installation

C. Promote voluntary solar installations by providing solar installation resources at City Hall and online. Advertise resources such as the CEC's Go Solar California website, and work with PG&E's Pacific Energy Center to offer classes or seminars in the community.

D. Provide a list of regional solar installation companies on the City website and at City Hall. Include each company's available financing, leasing, and purchase options.

Measure 3.2: Group Purchasing of Renewable Energy

Build off the success of regional SunShares programs and encourage the development of large-scale cooperative programs for a group buy or discounts to provide clean energy.

Actions

A. Work with regional partners to create a large-scale cooperative program for group-buy discounts or funding off-site renewable energy that is credited to the homeowner's bill, such as the City of San Jose SunShares program.

B. Identify opportunities for regional group buy or bulk purchasing for renewables, such as the Bay Area Climate Collaborative Green Towns SunShares program.

Measure 3.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -7,290

Participation Metrics: 3,260 single-family homes (25%) and 630 multi-family homes (15%) participate in financing and bulk purchasing programs

Measure 3.3: Voluntary Renewable Energy

Promote voluntary renewable energy projects through education and incentives.

Actions

A. Develop an online application system for solar with minimum turnaround review times.

B. Revise zoning regulations to simplify renewable energy systems.

C. Work with regional partners to promote state rebates and other funding opportunities for renewable energy.

D. Create guidelines for installation of renewables on historic buildings.

E. Create a cohesive outreach and education campaign.

F. Hold a solar education fair to provide an overview of the process from permitting to installation, in collaboration with local contractors.

Measure 3.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -2,600

Participation Metrics: 2,450 single-family homes (19%) and 320 multi-family homes (7.5%) install solar systems

Measure 3.4: Municipal Best Practices in Renewable Energy

The City will lead by example and support renewable energy in municipal facilities.

Actions

A. Promote the City's solar PPA program that provides renewable energy at several City facilities.

Measure 3.4: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 3.5: Model Power Purchase Agreement

Encourage development of model regional programs to provide a community-wide model for PPAs that would be available to businesses in the City, such as the Silicon Valley Collaborative Renewable Energy Procurement (SV-REP) project.

Actions

A. Work with partners to identify options for regional programs that could provide necessary financial arrangements to facilitate private use of PPAs.

B. Work with the Milpitas Chamber of Commerce to promote financing and rebate opportunities for renewable energy at local businesses.

C. Provide available advice and resources to participants using the lessons learned through the City's municipal PPA program.

Measure 3.5: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -3,950

Participation Metrics: 590 average-size nonresidential buildings (10%) participate in PPAs

Water

Goal 4: Demonstrate leadership in water conservation.

Water consumption requires energy to pump, treat, distribute, collect, and discharge water as it is used in the community, which results in GHG emissions. Conservation and the more efficient use of water are both important strategies to reduce GHG emissions from water use. Water reductions also prepare the City to adapt to the reduced water availability that may occur due to a changing climate. This goal identifies opportunities to reduce energy-intensive water consumption from both new construction projects and existing development. Implementing water efficiency measures and increasing use of recycled water can reduce the need to procure additional future water sources.

Measure 4.1: Tiered Water Rates

Continue water conservation efforts outlined in the Urban Water Management Plan and expand tiered water rate structures to apply to nonresidential customers in addition to residential customers.

Actions

A. Explore the potential of a tiered nonresidential water rate.

B. Encourage the installation and use of greywater and rainwater harvesting systems to reduce outdoor potable water use.

C. Implement the water-efficient landscaping ordinance and the water conservation ordinance.

D. Participate in ongoing regional coordination.

E. Continue to incentivize the use of recycled water for landscaping through rate reductions.

Measure 4.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 4.2: Recycled Water

Work with regional partners to encourage expansion of recycled water infrastructure.

Actions

A. Work with regional partners and water providers to identify potential funding sources for expansion of recycled water infrastructure.

B. Continue to require all commercial and industrial development south of the Hetch Hetchy right-of-way to install recycled water lines, and require conversion of landscape irrigation to recycled water as soon as available.

Measure 4.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Transportation and Land Use

The following goals build on the City's many existing efforts to create a vibrant, mixed-use community to better meet resident needs. By adopting the Transit Area Specific Plan and the Midtown Specific Plan, the City has encouraged transit-oriented and mixed-use development by right. Standards support easy access to public transit and infrastructure that supports walking and bicycling. The plans for these communities promote the co-location of homes near schools, work, and shops while protecting the unique characteristics of the city's established neighborhoods and open spaces.

Goal 5: Provide an Economically Sustainable Mixed-Use Community Focused on High-Density Development Around Central Urban Plazas and Gathering Places.

Measure 5.1: Increased Densities

Continue to promote the increase of density and mixed-uses in key opportunity areas, including the Midtown Specific Plan, Transit Area Specific Plan, and Town Center areas.

Measure 5.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive of Measure 6.1

Participation Metrics: Supportive of Measure 6.1

Actions

A. Require new development to include two or more uses per building if located along identified corridors or in a specific plan area.

B. Ensure pedestrian accessibility for all new development.

C. When new streets are necessary, offset with a new pedestrian-only area.

D. Support high-rise buildings along corridors.

E. Identify opportunities to support a neighborhood-serving grocery/food store in mid-town with affordable housing above.

Measure 5.2: Urban Plazas

Encourage development of urban plazas in new development in the Transit Area Specific Plan, Midtown Specific Plan and Town Center areas to encourage pedestrian activity and vibrant mixed-use centers that reduce vehicular activity.

Actions

A. Create a threshold (number of new units, projected people, etc.) for requiring creation of new plazas.

B. Encourage developers to plan ahead and work together to combine efforts in plaza development (e.g., one plaza that joins two or more developments).

C. Incentivize development of Main Street Town Square.

D. Adopt standards to require the use of pervious paving materials in plazas, in addition to the provision of mature landscaping and other strategies that will maximize GHG reduction potential.

Measure 5.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 5.3: Open Space

Expand city parks and open spaces.

Actions

A. For every acre developed in the hillside area, set aside 1 acre for open space or parks.

B. Limit hillside development to very low densities and parks/open space.

C. Identify thresholds for new development mitigation for the provision of parks or open space.

Measure 5.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Goal 6: Achieve an efficient transportation system integrated into distinct areas that meets the needs of all users.

Measure 6.1: Transit Density

Support high levels of ridership at the new BART station by encouraging higher density, mixed uses, and connectivity along transit corridors and at transit nodes.

Measure 6.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -11,750

Participation Metrics: 8,000 single-occupant commuters working and/or living in Milpitas become new transit riders

Actions

A. Use existing codes and opportunities to promote mixed-use and higher-density development in the following areas:
   a. BART station area
   b. Light rail station areas
   c. Montague Expressway
   d. Great Mall Parkway
   e. Centre Point Drive
   f. High-rise building corridors
B. Establish density bonuses for projects with affordable housing and mixed uses.
   a. Minimum density of 41 dwelling units per acre

RELATION TO OTHER CAP MEASURES

In order for the reductions above from increased transit density and the new BART station to take place, the City must successfully implement other supportive measures, including 5.1, 6.2, 6.3, 8.3, and 8.4.

Measure 6.2: BART-Friendly Environment

Ensure a pedestrian-friendly environment around the BART and light rail transit stations in the Midtown Specific Plan and Transit Area Specific Plan areas.

Actions

A. Identify opportunities to break applicable areas into small, pedestrian-friendly blocks 300 to 400 feet wide.
B. Encourage the provision of public plazas and meeting areas.

Measure 6.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive of Measure 6.1

Participation Metrics: Supportive of Measure 6.1

Measure 6.3: Dense and Centralized Development

Promote dense development in central locations and along transportation corridors.

Actions

A. Identify density requirements suitable for each unique area.
B. Increase any density requirements in place.
C. Establish and enforce the urban boundary.

Measure 6.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive of Measure 6.1

Participation Metrics: Supportive of Measure 6.1

Measure 6.4: Regional Arterials

Maintain and continue to improve regional arterials within the city.

Actions

A. Conduct an inventory of the city's traffic signals and identify opportunities to improve signal timing at signalized intersections along regional arterials.

Measure 6.4: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -600

Participation Metrics: 60 intersections (90%) improve signal timing and synchronization

Goal 7: Increase use of non-motorized transportation throughout the community.

Measure 7.1: Expanded City Parks

Expand the City's park and open space system consistent with the General Plan.

Actions

A. Ensure that new parks have three or more sides lined with streets.

B. Identify opportunities to share parks with schools in underserved neighborhoods.

Measure 7.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 7.2: Complete Streets

Initiate a rigorous citywide complete streets program to foster pedestrian and bicycle activity throughout the community.

Actions

A. Continue to promote complete streets by removing barriers to alternative transportation and supporting the needs of all transit users.

B. Require infill development required to complete sidewalk connections and provide pedestrian amenities, including shading, benches, and landscaping.

Measure 7.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 7.3: Bikeways Master Plan infrastructure

Implement and maintain the facilities and infrastructure improvements identified in the Bikeways Master Plan to achieve high levels of bicycle and pedestrian activity.

Actions

A. Implement the Bikeways Master Plan.

B. Pursue funding and regional partnerships.

Measure 7.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 7.4: Bikeways Master Plan Outreach

Initiate ongoing education and monitoring outreach programs to promote bicycle use and ensure ongoing responsiveness to the needs of cyclists, consistent with the Bikeways Master Plan.

Actions

A. Partner with the Bicycle Pedestrian Advisory Commission to develop an educational campaign.

B. Reach out to schools and other community groups as identified in the Bikeways Master Plan.

C. Conduct audits of bicycle activities as identified in the Bikeways Master Plan.

D. Hold bicycle outreach events and provide a bicycle valet as identified in the Bikeways Master Plan.

Measure 7.4: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 7.5: Bicycle Parking

Adopt development code standards to require bicycle parking for 10% of total required parking spots and bicycle support facilities for nonresidential development greater than 10,000 square feet.

Actions

A. Create new development standards to support bicycle-parking requirements.

Measure 7.5: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

GOAL 8: INCREASE PUBLIC TRANSIT RIDERSHIP AND RIDESHARING PARTICIPATION THROUGHOUT THE COMMUNITY.

MEASURE 8.1: TRANSPORTATION DEMAND MANAGEMENT

ADOPT AND PHASE A CITYWIDE TRANSPORTATION DEMAND MANAGEMENT (TDM) ORDINANCE BY 2015, BUILDING ON RECOMMENDATIONS OF THE TRANSIT AREA SPECIFIC PLAN, AND ESTABLISH A FUNDING MECHANISM TO PAY FOR THE COSTS OF THE PROGRAM.

Actions

A. Expand existing rideshare programs to require mandatory inclusion of ridesharing in employer TDM programs and preferential parking for rideshare vehicles.

B. Allow proximity to BART to support TDM requirements for new development.

C. Offer density bonuses for exceeding minimum TDM requirements.

Measure 8.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -440

Participation Metrics: 6,010 single-occupant commuters (25%) participate in rideshare program

MEASURE 8.2: CAR-SHARE PROGRAMS

SUPPORT DEVELOPMENT OF A CAR-SHARE PROGRAM FOR LOCAL RESIDENTS.

Actions

A. Work with City Car Share or other non-governmental organizations and/or businesses to provide car-sharing resources and information.

Measure 8.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -3,790

Participation Metrics: 3,610 single-occupant commuters (15%) participate in car-share program

MEASURE 8.3: TRANSIT EDUCATION AND OUTREACH

PROMOTE THE USE OF PUBLIC TRANSIT THROUGH EDUCATION.

Actions

A. Through the City's Bicycle and Pedestrian Advisory Commission, work with BART and other transit providers to promote public transit.

Measure 8.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive of Measure 6.1

Participation Metrics: Supportive of Measure 6.1

MEASURE 8.4: REGIONAL TRANSIT USE

ENCOURAGE EXISTING PUBLIC TRANSIT OPTIONS THAT PROVIDE EFFECTIVE LINKS TO THE BAY AREA REGION, INCLUDING THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AND CONNECTIONS TO THE ALTAMONT COMMUTER EXPRESS.

Actions

A. Ensure development of new areas is supported by the necessary levels of transportation infrastructure and support.

B. Continue to work with regional transportation partners to expand existing connector routes, increase service, and improve stops.

C. Continue to participate in ongoing regional transportation processes to advocate for continued transit service to Milpitas.

Measure 8.4: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive of Measure 6.1

Participation Metrics: Supportive of Measure 6.1

GOAL 9: ENSURE AN EFFICIENT PUBLIC AND PRIVATE PARKING SYSTEM COMMUNITYWIDE.

MEASURE 9.1: UNBUNDLED PARKING COSTS

UNBUNDLE PARKING COSTS FROM HOUSING AND NONRESIDENTIAL BUILDING COSTS.

Actions

A. Revise development standards to separate parking costs from the cost to rent, purchase, or lease residential and nonresidential buildings to incentivize use of alternative transportation modes.

Measure 9.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

MEASURE 9.2: NONRESIDENTIAL PARKING REQUIREMENTS

REDUCE MINIMUM PARKING REQUIREMENTS FOR NONRESIDENTIAL DEVELOPMENT.

Actions

A. Revise development standards to create incentives to reduce the minimum parking requirements for new nonresidential buildings in Milpitas (for example: allow for a reduction in parking in exchange for additional green plaza areas and opportunities for alternative transportation).

Measure 9.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

GOAL 10: PROVIDE AND SUPPORT EXPANSION OF INFRASTRUCTURE FOR LOW-EMITTING AND FUEL-EFFICIENT VEHICLES.

MEASURE 10.1: PARKING FOR LOW-EMISSIONS VEHICLES

REVISE PARKING STANDARDS FOR PUBLIC AND NONRESIDENTIAL DEVELOPMENT TO INCLUDE DESIGNATED STALLS FOR LOW-EMISSIONS, FUEL-EFFICIENT VEHICLES AND CARPOOL/VANPOOL VEHICLES FOR A MINIMUM OF 10% OF NEW PARKING CAPACITY.

Measure 10.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -2,800

Participation Metrics: 1,220 new parking spaces (19% of businesses) established as vehicle charging spaces

Actions

A. Revise development standards.

B. Provide materials to support developers in obtaining and providing charging stations.

C. Investigate the possibility of facilitating a large-scale group buy of charging stations and other equipment on behalf of developers.

D. Provide a parking reduction ratio of one-to-one for every percentage of total parking spots designated for low-emitting, fuel-efficient vehicles.

E. Pre-wire stalls for electric vehicle charging stations for 2% of new parking capacity.

MEASURE 10.2: ALTERNATIVE FUELING STATIONS

ENSURE ALTERNATIVE FUELING STATIONS ARE ENCOURAGED AND ALLOWED THROUGH LAND USE DESIGNATIONS THAT CURRENTLY PERMIT GAS FUELING STATIONS.

Actions

A. Identify opportunities and suitable locations for new stations.

B. Revise development standards.

Measure 10.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Measure 10.3: Electric Vehicle Partnerships

Partner with the Bay Area Air Quality Management District, Joint Venture Silicon Valley, and the Silicon Valley Clean Cities Coalition to pursue funding for plug-in hybrid and electric vehicle deployment projects in the city.

Measure 10.3: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Actions

A. Work with partner agencies to seek grant funding through state and regional partnerships to fund fleet conversions to electric vehicles.

Measure 10.4: Residential Electric Vehicle Charging

Facilitate plug-in hybrid and electric vehicle charging stations for homes by promoting funding opportunities and streamlining permit procedures, including establishing maximum time frames for permit processing and simplified permit procedures.

Measure 10.4: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -790

Participation Metrics: 1,100 new homes (38%) pre-wired for electric vehicles

Actions

A. Create a guide/brochure for plug-in hybrid and electric vehicle home charger installations.

B. Simplify electrical and building permit procedures for plug-in hybrid and electric vehicle charging stations.

C. Create an online permit application process for home charging stations.

D. Work with regional partners to provide educational information.

Measure 10.5: Gas Tax

Investigate adoption of a local gas tax to create funding to provide rebates for clean fuel infrastructure and/or vehicles in Milpitas.

Measure 10.5: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Actions

A. Work with regional partners to identify opportunities to create a model ordinance and rate structure.

B. Monitor regional and state efforts to implement similar programs.

MEASURE 10.6: BART STATION PEDESTRIAN CIRCULATOR

INVESTIGATE THE FEASIBILITY OF A PEDESTRIAN CIRCULATOR AROUND THE BART STATION.

ACTIONS

A. Study the feasibility of a pedestrian circulator around the BART station.

B. Pursue funding sources from BART, VTA and/or Metropolitan Transportation Commission.

Measure 10.6: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): Supportive Measure – Not Estimated

Participation Metrics: Supportive Measure – Not Applicable

Solid Waste

Goal 11: Reduce waste generation in the community by 2020.

Most waste is sent to the landfill, decomposes, and emits methane gas over time. Providing additional opportunities to recycle and compost can reduce the amount of waste disposed and associated GHG emissions.

The reductions reported for Measure 11.1 comprise the individual contributions of Actions A through E, as each action focuses on different types of solid waste reduction. Actions A and B quantify reductions from food waste collection, Action C focuses on yard waste and other waste types that can be turned into mulch material, and Action D addresses construction and demolition materials, such as pressure-treated wood and other inert materials. Action E addresses reductions from all remaining types of waste diversion, such as paper and cardboard.

Measure 11.1: Waste Diversion

Work with regional partners to increase the diversion of solid waste to 75% as required under AB 341.

Measure 11.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -9,200

Participation Metrics: 6,020 households and businesses (25%) participate in food waste collection program

40% of new construction projects participate in construction and demolition collection

Actions

A. Support the expansion of existing food waste and composting collection routes in order to provide composting services for interested residents and businesses.

B. Encourage local restaurants to compost food and provide compostable to-go containers.

C. Work with Republic Services to determine the feasibility of expanding composting and recycling services.

D. Amend the building demolition permit requirements and adopt a comprehensive construction and demolition ordinance to reach a 75% diversion rate.

E. Partner with waste providers to expand the diversion of other solid waste, including non-food and non-construction and demolition waste.

OFF-ROAD EQUIPMENT

GOAL 12: SUPPORT THE EXPANSION AND USE OF CLEAN TECHNOLOGY OFF-ROAD EQUIPMENT.

MEASURE 12.1: LAWN AND GARDEN EQUIPMENT

SUPPORT A COMMUNITY-WIDE TRANSITION TO CLEANER OUTDOOR LAWN AND GARDEN EQUIPMENT.

Actions

A. Promote regional and state rebates for appliance improvements.

B. Support the BAAQMD's efforts to reestablish a voluntary exchange program for residential lawn mowers and backpack-style leaf blowers.

C. Require new buildings to provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.

Measure 12.1: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -250

Participation Metrics: 680 conventional leaf blowers (35%) and 2,670 conventional lawn mowers (35%) replaced with electric versions

MEASURE 12.2: CONSTRUCTION BEST MANAGEMENT PRACTICES

ENCOURAGE CONSTRUCTION PROJECTS TO COMPLY WITH BAAQMD PERFORMANCE-BASED BEST MANAGEMENT PRACTICES.

Actions

A. The City will encourage new development to comply with applicable BAAQMD best management practices that reduce GHGs, including use of alternative-fueled vehicles and equipment, use of local recycled materials, and recycling of construction or demolition materials.

Measure 12.2: Implementation Metrics

2020 GHG Reduction ($MTCO_2e$): -4,010

Participation Metrics: 40% of construction equipment comply with applicable best management practices

5. Reviewing Projects

This chapter identifies the mechanisms the City will use to achieve performance targets for reduction measures identified in **Chapter 4**, consistent with State CEQA Guidelines Section 15183.5(b)(1)(D) and BAAQMD CEQA Air Quality Guidelines Section 4.

Applicability

For discretionary projects seeking to use CEQA streamlining provisions, the City may require measures in this CAP as mandatory conditions of approval or as mitigation identified in a mitigated negative declaration or in an environmental impact report, as appropriate, on a project-by-project basis. This approach allows the City to ensure that new development can benefit from CEQA streamlining provisions while also ensuring that the City can achieve the reduction targets outlined in this plan.

Furthermore, as a programmatic tiering document under CEQA, the CAP will be the City's one-stop shop for greenhouse gas analysis and mitigation under CEQA. This CAP does not identify measures as mandatory or voluntary. Rather, the City will ensure appropriate use of the CAP for CEQA streamlining by maintaining the prerogative to identify appropriate mandatory and voluntary measures to integrate into project design or mitigation on a project-by-project basis. The City will use the development checklist described below and work with project applicants to determine the appropriate use of the CEQA benefits of the Climate Action Plan.

Development Checklist

To determine whether new development projects comply with the CAP, City staff will use the checklist in **Appendix C** for discretionary projects subject to CEQA.

6. Monitoring Progress

Monitoring Progress

This chapter identifies the procedures the City will use to monitor implementation of the CAP and presents methods for evaluating the effectiveness of CAP measures, as well as potential reasons to reevaluate reduction measures in the future. These procedures are consistent with State CEQA Guidelines Section 15183.5(b)(1)(E) and BAAQMD Guidelines Section 4. This chapter also identifies the standards the City will implement on a case-by-case basis and presents initial milestones the City must accomplish to begin using the CAP as a basis for project-level CEQA review.

Assessing Implementation

Reducing GHG emissions by 15% below baseline 2005 levels is an ambitious task. This section outlines a path for the City to monitor progress and summarizes the GHG reductions that will occur through implementation of the CAP. To ensure the success of this Climate Action Plan, the City will integrate CAP goals, measures, and actions into other local and regional plans, programs, and activities. As the City moves forward with Zoning Code updates, specific plans, Housing Element updates, and other planning efforts, staff will ensure that these efforts support and are consistent with the CAP.

Implementation Programs

Implementing the CAP will require City leadership to execute these measures and report on their progress. This plan identifies the responsible department for each measure and offers time frames for implementing each strategy. Lastly, successful implementation requires regular reporting. Staff will monitor progress toward implementing the CAP on an annual basis and report progress to the City Council each year. Developing an implementation and monitoring tool will assist the City to track progress.

The following implementation programs will ensure the City can realize the benefits of the CAP.

Implementation Program 1: Monitoring

Annually monitor and report progress toward achieving the reduction target.

Actions

A. Prepare an annual progress report for City Council review and consideration.

B. Utilize the monitoring and reporting tool to assist with annual reports.

C. Identify key staff responsible for annual reporting and monitoring.

Implementation Program 2: Update the Greenhouse Gas Emissions Inventory and Climate Action Plan

Update the baseline greenhouse gas emissions inventory and Climate Action Plan every five years.

Actions

A. Prepare an inventory of 2010 community-wide and municipal GHG emissions no later than 2017.

B. Update the CAP no later than 2017 to incorporate the 2010 inventory and to reflect adoption of new technologies, programs, and policies to reduce GHG emissions.

C. Consider updating and amending the CAP as necessary, should the City find that specific reduction measures are not achieving intended GHG emissions reductions.

Implementation Program 3: Collaborative partnerships

Continue to develop partnerships that support implementation of the Climate Action Plan.

Actions

A. Continue formal memberships and participation in local and regional organizations that provide tools and support for energy efficiency, energy conservation, GHG emissions reductions, adaptation, education, and implementation of this plan.

Implementation Program 4: Funding sources

Secure necessary funding to implement the Climate Action Plan.

Actions

A. Identify funding sources for reduction measures as part of annual reporting.

B. Ensure implementation by including emissions reduction objectives in department budgets starting in fiscal year 2014/2015, the capital improvement program, and other City plans as appropriate.

C. Pursue local, regional, state, and federal grants as appropriate to support implementation.

Implementation Program 5: Economic Development & Sustainability Manager

Create an Economic Development & Sustainability Manager position.

A. Create a full-time position to implement both economic and sustainability objectives, acting as the responsible liaison between City government, residents, and businesses for growth objectives and those identified in this plan.

B. Designate the Economic Development & Sustainability Manager as the responsible agent to monitor new resources that may become available through CAP implementation, such as funding that may soon be available through the state's cap-and-trade program.

C. Allocate job-hours to the Economic Development & Sustainability Manager to develop strategies described in this CAP and integrate them with the City's economic development objectives.

D. Task the Economic Development & Sustainability Manager with tracking grant and funding opportunities to support sustainability and climate action programs and energy efficiency development activities.

E. Designate the Economic Development & Sustainability Manager with the responsibility of working with departments to integrate CAP considerations into the City's operating budget and capital improvement plans.

F. Direct the Economic Development & Sustainability Manager to coordinate project activities with other City departments and external agencies to provide policy and technical support on sustainability and climate action issues.

Implementation Program 6: Development checklist

UPDATE THE CLIMATE ACTION PLAN DEVELOPMENT CHECKLIST (APPENDIX C) AS NECESSARY TO REFLECT LESSONS LEARNED THROUGH PROJECT STREAMLINING.

Actions

A. Work with residents and developers to utilize the development checklist for CEQA streamlining.

B. Monitor state and BAAQMD actions to identify future changes and modifications to the state or BAAQMD CEQA guidelines that affect implementation of the CAP.

C. Work with the BAAQMD to ensure new guidelines are integrated in the development checklist.

D. Create and distribute to regional partners a case study highlighting the benefits, lessons learned, and customer feedback discovered through implementation of the development checklist.

Implementation Program 7: General Plan annual reporting

INTEGRATE CLIMATE ACTION PLAN MONITORING AND REPORTING FINDINGS INTO GENERAL PLAN ANNUAL REPORTING.

A. Use the reporting function of the Implementation and Monitoring Tool to summarize and report annual reductions from implementation of CAP measures as part of the annual report to the City Council on General Plan implementation.

Evaluating the Plan

The matrix in **Table 6-1** contains key metrics and information to support successful implementation of the CAP. The matrix presents a time frame, responsible department, and existing City policies that support each measure. Time frames presented in the table correlate to the following periods:

- Near-Term (0–2 years)
- Mid-Term (2–5 years)
- Long-Term (5–7 years)

The following list summarizes abbreviations used to describe policies or programs in related planning documents.

- HE – General Plan Housing Element (2010)
- MSP – Midtown Specific Plan (2008)
- TASP – Transit Area Specific Plan (2008)
- GBR – Green Building Regulations (2009)
- EDP – Milpitas Economic Development Plan (2005)
- RIP – 2005–2010 Redevelopment Implementation Plan: Mid-Cycle Update (2008)
- RDA – Amended and Restated Redevelopment Plan for Project Area No. 1 (2010)
- OSECE – General Plan Open Space & Environmental Conservation Element (1994)
- BMP – Bikeways Master Plan (2009)
- LUE – General Plan Land Use Element (1994)
- CBTP – Santa Clara Valley Transit Authority Community Based Transportation Plan (2008)

Table 6-1: Implementation Plan

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
1.1	Residential Energy Audits in Older Homes	Near-Term	Planning & Neighborhood Services	HE Policy B-3 HE Policy F-1.1 HE Policy F-1.2 HE Policy F-1.4	Retrofit Bay Area (Energy Upgrade CA)	www.energyupgradeca.org/county/santa_clara
1.2	Energy Upgrade California	Near-Term	Planning & Neighborhood Services	HE Policy F-1.1 HE Policy F-1.2 HE Policy F-1.4	Retrofit Bay Area (Energy Upgrade CA)	www.energyupgradeca.org/county/santa_clara

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
1.3	Discretionary Project Review	Mid-Term	Planning & Neighborhood Services	None		
1.4	Energy Benchmarking	Mid-Term	Planning & Neighborhood Services	None	PG&E Pacific Energy Center classes on benchmarking	www.pge.com/pec/
1.5	Urban Cooling	Mid-Term	Planning & Neighborhood Services	HE Policy F-1.2 MSP Policy 6.11	Cool California resources	www.coolcalifornia.org/cool-roofs
1.6	Smart Grid Integration	Long-Term	Planning & Neighborhood Services	TASP Policy 5.6	PG&E Emerging Technology Program	www.etcc-ca.com/
1.7	Appliance Upgrades	Mid-Term	Planning & Neighborhood Services	None	PG&E appliance rebate portal	www.pge.com/myhome/saveenergymoney/moneysaver/
1.8	Online Energy Monitoring	Near-Term	Planning & Neighborhood Services	TASP Policy 5.6	PG&E Emerging Technology Program	www.etcc-ca.com/
2.1	Energy Efficiency in New Development	Near-Term	Building & Safety, and Planning & Neighborhood Services	HE Policy F-1.3 HE Policy F-1.6 TASP Policy 5.7 TASP Policy 5.9	CALGreen Building Code, LEED, USGBC	http://www.energy.ca.gov/greenbuilding/ http://new.usgbc.org/
3.1	Renewable Energy in New Development	Near-Term	Planning & Neighborhood Services	MSP Policy 6.11 GBR II-20-3.01 TASP Policy 5.7 EDP Objective 4A.1	California Solar Initiative	http://www.gosolarcalifornia.ca.gov/
3.2	Group Purchasing of Renewable Energy	Mid-Term	Planning & Neighborhood Services	EDP Objective 4A.1	Joint Venture Silicon Valley SV-REP, Solar America Cities	http://www.jointventure.org, http://www.nrel.gov/docs/fy11osti/49930.pdf
3.3	Voluntary Renewable Energy	Mid-Term	Planning & Neighborhood Services	None	California Solar Initiative, Cool California	http://www.gosolarcalifornia.ca.gov/, http://www.nrel.gov/docs/fy11osti/49930.pdf

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
3.4	Municipal Best Practices in Renewable Energy	Near-Term	Planning & Neighborhood Services	None	Solar America Cities	http://www.nrel.gov/docs/fy11osti/49930.pdf
3.5	Model Power Purchase Agreement	Long-Term	Planning & Neighborhood Services	None	US Department of Energy	www1.eere.energy.gov/wip/solutioncenter/financialproducts/ppa.html
4.1	Tiered Water Rates	Near-Term	Finance	MSP Policy 6.2	Bay Area Water Supply and Conservation Agency partnership	http://bawsca.org/
4.2	Recycled Water	Long-Term	Planning & Neighborhood Services, Engineering and Public Works	MSP Policy 6.4 TASP Policy 6.18 TASP Policy 6.20 TASP Policy 6.21	South Bay Water Recycling Program	
5.1	Increased Densities	Long-Term	Planning & Neighborhood Services	MSP Goal 2 MSP Policy 3.4 MSP Policy 3.10 MSP Policy 3.20 TASP Policy 4.69 TASP Policy 4.71 LUE Policy 2.a-1-24 HE Policy D-3 RIP Community Design 1	Urban Land Institute San Francisco Planning + Urban Research Association (SPUR) Local Government Commission	http://opr.ca.gov/s_infilldevelopment.php
5.2	Urban Plazas	Long-Term	Planning & Neighborhood Services	RIP Community Design 2 MSP Goal 3 MSP Policy 7.11 RDA-1 Item 9 TASP Policy 4.33 TASP Policy 4.73	Urban Land Institute San Francisco Planning + Urban Research Association (SPUR) Local Government Commission	http://opr.ca.gov/s_infilldevelopment.php
5.3	Open Space	Long-Term	Parks & Recreation, Planning & Neighborhood Services	LUE 2.a-I-15 LUE 2.a.I-16 MSP Policy 3.24 OSECE 4.a.I-2 TASP Policy 3.39	Greenbelt Alliance	http://opr.ca.gov/s_urbanforestry.php

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
6.1	Transit Density	Long-Term	Planning & Neighborhood Services, Engineering and Public Works	TASP Policy 4.54, 4.70 HE Policy D-3 HE Policy F-1.5 MSP Policy 3.4	Regional BART network	http://www.bart.gov/
6.2	BART-Friendly Environment	Long-Term	Planning & Neighborhood Services	TASP Policy 4.9	Regional BART network	http://www.bart.gov/
6.3	Dense and Centralized Development	Long-Term	Planning & Neighborhood Services	RIP Land Use 3 RIP Transportation 4		http://opr.ca.gov/s_infilldevelopment.php
6.4	Regional Arterials	Mid-Term	Planning & Neighborhood Services, Engineering and Public Works	LUE 3.b-G-1 TASP Policy 3.10	City of San Jose	http://www.sanjoseca.gov/transportation/supportFiles/tlsp/TLSP_APPLICATION.pdf
7.1	Expanded City Parks	Mid-Term	Parks & Recreation, Planning & Neighborhood Services	None	Greenbelt Alliance	http://opr.ca.gov/s_urbanforestry.php
7.2	Complete Streets	Long-Term	Planning & Neighborhood Services	TASP Policy 3.14 TASP Policy 4.60 TASP Policy 4.61 TASP Policy 4.9	ABAG, One Bay Area	onebayarea.org/file10013.html
7.3	Bikeways Master Plan Infrastructure	Mid-Term	Planning & Neighborhood Services, Engineering and Public Works	BMP Objective 1-3 BMP Goal 3 BMP Objective 3-2 BMP Objective 5-1 BMP Objective 5-2 BMP Objective 7-1 BMP Objective 8-1 BMP Objective 8-2 RIP Circulation 2 EDP Objective 2A.1 MSP Policy 4.2		http://www.opr.ca.gov/news.php?id=22

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
7.4	Bikeways Master Plan Outreach	Near-Term	Planning & Neighborhood Services	BMP Objective 1-1 BMP Objective 2-2 BMP Objective 2-1 BMP Objective 3-1 BMP Objective 4-1 BMP Objective 4-2 BMP Objective 4-3 BMP Objective 4-4 BMP Objective 6-1 BMP Objective 6-2 BMP Objective 7-2	Bicycle Pedestrian Advisory Commission and Silicon Valley Bicycle Coalition	http://bikesiliconvalley.org/education
7.5	Bicycle Parking	Mid-Term	Parks & Recreation, Planning & Neighborhood Services	None	Bicycle Pedestrian Advisory Commission	bikesiliconvalley.org/
8.1	Transportation Demand Management	Long-Term	Planning & Neighborhood Services	TASP Policy 3.16	San Francisco's TDM partnerships	http://onebayarea.org/regional-initiatives/climate-initiatives-program/Innovative-Grants/Integrated-Public-Private-Transportation-Demand-Management-Project.html
8.2	Car-Share Programs	Long-Term	Planning & Neighborhood Services	None	City Car Share	https://www.citycarshare.org/
8.3	Transit Education and Outreach	Near-Term	Public Works	CBTP Transportation Amenities 9 CBTP Transportation Amenities 11 CBTP Transportation Amenities 12		http://opr.ca.gov/s_transportation.php

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
8.4	Regional Transit Use	Near-Term	Public Works	CBTP Transit Services 1 CBTP Transit Services 3 CBTP Transit Services 4 CBTP Transit Services 5 CBTP Transit Services 6 CBTP Transportation Amenities 7 CBTP Transportation Amenities 8 RDA-1 Goal/Objective 11	Santa Clara Valley Transportation Authority (VTA)	http://www.vta.org/
9.1	Unbundled Parking Costs	Near-Term	Planning & Neighborhood Services	None	MTC	http://mtc.ca.gov/
9.2	Nonresidential Parking Requirements	Near-Term	Planning & Neighborhood Services	MSP Policy 4.24		
10.1	Parking for Low-Emissions Vehicles	Long-Term	Planning & Neighborhood Services	TASP Policy 3.34		opr.ca.gov/docs/Draft2012ZEVActionPlan(09-21-12).pdf
10.2	Alternative Fueling Stations	Mid-Term	Planning & Neighborhood Services	None	BAAQMD	http://www1.eere.energy.gov/cleancities/alternative_fuel_market_projects.html
10.3	Electric Vehicle Partnerships	Mid-Term	Planning & Neighborhood Services	None	BAAQMD and Electric Auto Association - Silicon Valley Chapter	eaasv.org/

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
10.4	Residential Electric Vehicle Charging	Long-Term	Building & Safety, and Planning & Neighborhood Services	None		http://www.baaqmd.gov/Divisions/Strategic-Incentives/Bay-Area-EV-Ready/EV-Charge.aspx
10.5	Gas Tax	Mid-Term	Planning & Neighborhood Services	None		
10.6	BART Station Pedestrian Circulator	Long-Term	Planning & Neighborhood Services	CE 3.d-G-7	BART,VTA, MTC	
11.1	Waste Diversion	Long-Term	Building & Safety, and Planning & Neighborhood Services	None	Local Waste Haulers, CalRecycle Mandatory Commercial Recycling Ordinance	http://www.calrecycle.ca.gov/climate/recycling/
12.1	Lawn and Garden Equipment	Near-Term	Planning & Neighborhood Services	None	BAAQMD	http://www.baaqmd.gov/Divisions/Strategic-Incentives/Off-Road-Vehicles.aspx
12.2	Construction Best Management Practices	Mid-Term	Planning & Neighborhood Services	None	BAAQMD	http://www.baaqmd.gov/Divisions/Strategic-Incentives/Off-Road-Vehicles.aspx

Implementation and Monitoring Tool

The City will use the implementation matrix presented in **Table 6-1**, as well as the implementation and monitoring tool developed in tandem with this CAP, to track, monitor, and update the plan. As the City reports implementation progress, staff will evaluate the effectiveness of each measure to ensure anticipated GHG reductions are occurring. In the event that GHG reductions do not occur as expected, the City can modify or add additional policies to the CAP to ensure the City meets the local reduction target. Ongoing implementation, monitoring, and modification of the measures will enable the City to meet its reduction target.

7. Glossary

Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006: Establishes a comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases for the State of California. AB 32 designates the California Air Resources Board (CARB) as the responsible agency for monitoring and reducing statewide GHG emissions to reduce emissions to 1990 levels by 2020.

Assembly Bill (AB) 811: Authorizes all cities and counties in California to designate areas within which willing property owners may finance the installation of distributed renewable energy generation, as well as energy efficiency improvements, through low-interest loans. These financing programs are commonly referred to as Property Assessed Clean Energy (PACE) programs.

Assembly Bill (AB) 939: Establishes a goal of achieving a statewide waste diversion rate of 50% and requires cities and counties to divert a minimum of 50% of their waste stream for reuse or recycling.

Assembly Bill (AB) 1881: Requires local agencies to adopt a water-efficient landscape ordinance, limiting the amount of water used for landscaping purposes.

Association of Bay Area Governments (ABAG): The regional planning agency for the nine counties and 101 incorporated cities in the San Francisco Bay Area.

Buildout; Build-out: Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Business-as-Usual (BAU): A business-as-usual projection forecasts greenhouse gas emissions without regulatory or technical intervention to reduce GHG emissions.

California Air Resources Board (CARB): A division of the California Environmental Protection Agency charged with protecting public health, welfare, and ecological resources through the reduction of air pollutants.

California Environmental Quality Act (CEQA): A state law requiring state and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before action can be taken on the proposed project. General plans require the preparation of a program EIR.

California Green Building Standards Code (CALGreen): The 2010 California Green Building Standards Code, commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics.

7. GLOSSARY

California Solar Initiative (CSI): Allows the California Public Utilities Commission (CPUC) to provide incentives to install solar technology on existing residential, commercial, nonprofit, and governmental buildings if they are customers of the state's investor-owned utilities: Pacific Gas & Electric (PG&E), San Diego Gas & Electric (SDG&E), or Southern California Edison (SCE).

Carbon Dioxide (CO_2): A colorless, odorless gas that occurs naturally in the earth's atmosphere. Significant quantities are also emitted into the air by fossil fuel combustion.

Carbon Dioxide Equivalent (CO_2e): A metric measure used to compare the emissions from various greenhouse gases based on their global warming potential (GWP).The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated GWP.

Car Sharing: A type of car rental where people rent cars for short periods of time, often by the hour.

Clean Car Fuel Standards (AB 1493, Pavley): Signed into law in 2002 and commonly referred to as Pavley standards. Requires carmakers to reduce GHG emissions from new passenger cars and light trucks beginning in 2011. CARB anticipates that the Pavley standards will reduce GHG emissions from new California passenger vehicles by about 22% in 2012 and about 30% in 2016, all while improving fuel efficiency and reducing motorists' costs.

Climate Action Plan (CAP): Strategic plans that establish policies and programs for reducing (or mitigating) a community's greenhouse gas emissions and adapting to the impacts of climate change.

Climate Change (also referred to as global climate change): The term "climate change" is sometimes used to refer to all forms of climatic inconsistency, but because the earth's climate is never static, the term is more properly used to imply a significant change from one climatic condition to another. In some cases, climate change has been used synonymously with the term "global warming"; scientists, however, tend to use the term in the wider sense to also include natural changes in climate.

Climate Change Mitigation: A technical or behavioral intervention to reduce the sources of greenhouse gas emissions in order to reduce the potential effects of climate change.

Climate Zone: The California Energy Commission (CEC) has classified the distinct climates throughout California by climate zone to recognize the variability in energy use based on local weather patterns. The CEC uses these climate zones to determine energy budgets for new and renovated buildings and prescriptive packages for each climate zone to ensure that they meet the State's Title 24 energy efficiency standards.

Co-Benefits: An additional benefit occurring from the implementation of a GHG reduction measure that is not directly related to reducing greenhouse gas emissions.

Complete Streets: Complete streets policies ensure that transportation planners and engineers consistently design and operate the entire roadway with all potential users in mind. This includes private vehicles, bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities. In 2007, the State of California adopted AB 1358, which directs the legislative body of a city or county, upon revision of the circulation element of its general plan, to identify how the jurisdiction will provide for the routine accommodation of all users.

7. Glossary

Construction and Demolition Waste (C&D): C&D materials consist of the waste generated during the construction, demolition, or renovation of buildings, roads, and other construction projects. C&D materials may include heavy, bulky materials such as concrete, glass, wood, and metal, among other materials.

Energy Conservation: Reducing energy waste, such as turning off lights, heating, and motors when not needed.

Energy Efficiency: Doing the same or more work with less energy, such as replacing incandescent light bulbs with compact fluorescent light bulbs or buying an Energy Star appliance to use less energy for the same or greater output.

Energy Efficiency Standards (Title 24, Part 6): Title 24 standards were first adopted in 1978 and established minimum energy efficiency standards for residential and nonresidential buildings. These standards are updated continually by providing more stringent energy budgets for new buildings in an effort to reduce California's energy consumption.

Energy Star: A joint program of the US Environmental Protection Agency and the US Department of Energy to provide consumers with information and incentives to purchase the most energy efficient products available.

Energy Star Portfolio Manager: An online management tool that allows nonresidential building owners and tenants to track and assess energy and water use over time. Benchmarking energy and water use allows building owners to identify investment priorities, determine underperforming buildings, and verify efficiency improvements.

Environmental Impact Report (EIR): A report required by the California Environmental Quality Act (CEQA) that assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action or project. See California Environmental Quality Act (CEQA).

Global Warming Potential (GWP): An index used to translate the level of emissions of various gases into a common measure in order to compare the relative potency of different gases without directly calculating the changes in atmospheric concentrations. Greenhouse gases are expressed in terms of carbon dioxide equivalent. Global warming potentials are expressed in terms relative to carbon dioxide, which has a global warming potential of 1.

Green Building: Sustainable or "green" building is a holistic approach to design, construction, and demolition that minimizes the building's impact on the environment, the occupants, and the community. See the California Green Building Standards Code (CALGreen) for green building regulations in California.

Greenhouse Gas or Greenhouse Gases (GHG): Gases that cause heat to be trapped in the atmosphere, warming the earth. Greenhouse gases are necessary to keep the earth warm, but increasing concentrations of these gases are implicated in global climate change. Greenhouse gases include all of the following: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The majority of greenhouse gases come from natural sources, although human activity is also a major contributor.

7. Glossary

Greenhouse Gas Inventory: Provides estimates of the amount of GHGs emitted to and removed from the atmosphere by human activities. A city or county that conducts an inventory looks at both community emission sources and emissions from government operations. A base year is chosen and used to gather all data from that year. Inventories include data collection from such things as vehicle miles traveled (VMT), energy usage from electricity and gas, and waste. Inventories include estimates for carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs), which are referred to as the six Kyoto gases.

Green Waste: Refers to lawn, garden, or park plant trimmings and materials and can be used in home composters or picked up curbside by municipal waste haulers.

Greywater: Wastewater collected from showers, bathtubs, bathroom sinks, and clothes washing machines that is reused on site for irrigation purposes.

Low Carbon Fuel Standard (LCFS): An executive order from former Governor Schwarzenegger, the Low Carbon Fuel Standard established the goal of reducing the carbon intensity of transportation fuels in California by 10% by 2020.

Metropolitan Planning Organization (MPO): A federally funded transportation planning organization comprising representatives from local government agencies and transportation authorities.

Mixed Use: Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

Recycled Water: Wastewater from tubs, toilets, and sinks inside homes and offices that is cleaned through a treatment process, producing non-potable water that is safe for landscapes, raw vegetable crops, and agricultural crops.

Reduction Measure: A goal, strategy, program, or set of actions that target and reduce a specific source of greenhouse gas emissions.

Regional Transportation Plan (RTP): A long-term blueprint of the region's transportation systems. The RTP is a federally mandated comprehensive long-range regional planning document that identifies the region's transportation needs, sets forth an action plan of projects, determines actions and programs to address the needs and issues, and documents the financial resources needed to implement the RTP.

Renewable Energy: Energy from sources that regenerate and are less damaging to the environment, such as solar, wind, biomass, and small-scale hydroelectric power.

Renewables Portfolio Standard (RPS): A regulation requiring utility companies in California to increase the production of renewable energy from solar, wind, or biomass, or geothermal sources.

Senate Bill (SB) X7-7: Passed in 2009, SB X7-7 requires the state to achieve a 20% reduction in per capita water use by 2020. This law also requires local water providers to set an interim 2015 and a final 2020 community-wide target and demonstrate that projected water use is in compliance with that target, otherwise funding will be affected.

7. Glossary

Senate Bill (SB) 97: Requires lead agencies to analyze GHG emissions and climate change impacts under CEQA.

Senate Bill (SB) 375: Directs the metropolitan planning organizations in California to create a Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan. The SCS will demonstrate how the region will achieve the 2020 and 2035 GHG reduction targets for the region set by CARB.

Smart Grid: Delivers electricity from suppliers to consumers using two-way digital communications. The smart grid is envisioned to overlay the ordinary electrical grid with an information and net metering system, which includes smart meters. Smart meters will allow consumers to become more aware of their energy use and in the future will allow smart grid enabled appliances to be preprogrammed to operate at a time when electricity costs are lowest.

Sustainability: Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

Sustainable Communities Strategy (SCS): The land use element of each MPO's Regional Transportation Plan as required by SB 375. The SCS will demonstrate how the region will achieve the 2020 and 2035 VMT and GHG reduction targets for the region set by CARB.

Sustainable Development: Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Transit-Oriented Development (TOD): A mixed-use residential or commercial area designed to maximize access to transit options.

Transportation Demand Management (TDM) Plan: A voluntary or mandatory program developed by local agencies, large employers, or high traffic commercial services to limit the amount of congestion and pollution related to transportation demand. TDM plans may include incentives, regulations, and education about transportation alternatives.

Unbundled Parking: A parking strategy in which parking spaces are rented or sold separately, rather than automatically included with the rent or purchase price of a residential or commercial unit.

Urban Heat Island: Describes built-up areas that are hotter than nearby rural areas. On a hot, sunny summer day, roof and pavement surface temperatures can be 50–90°F (27–50°C) hotter than the air, while shaded or moist surfaces remain close to air temperatures. These surface urban heat islands, particularly during the summer, have multiple impacts and contribute to atmospheric urban heat islands. Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality.

Vehicle Miles Traveled (VMT): A key measure of overall street and highway use. Reducing VMT is often a major objective in efforts to reduce vehicular congestion and achieve regional air quality goals.

Water Conservation: Reducing water use, such as by turning off taps, shortening shower times, and reducing outdoor irrigation demand.

Water-Efficient Landscape: Native or low-water-using landscapes. Water-efficient landscapes are required by law in all cities and counties in California to conserve water.

Water Use Efficiency: Replacing older technologies and practices in order to accomplish the same results with less water, for example, by replacing toilets with new high efficiency models and by installing "smart controllers" in irrigated areas.

Zero-Emissions Vehicle (ZEV): A vehicle that does not emit any tailpipe emissions from the on-board source of power. Both electric and hydrogen fuel cell vehicles are classified as ZEVs.

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APPENDIX A: GREENHOUSE GAS INVENTORY

GREENHOUSE GAS INVENTORY AND FORECAST REPORT

This report provides a detailed presentation of the community-wide greenhouse gas emissions inventory for the City of Milpitas and the estimated changes in those emissions for 2020 and 2035.

PURPOSE

The purpose of this greenhouse gas (GHG) emissions inventory (Inventory) is to identify the major sources of GHG emissions from the community of Milpitas and to provide a baseline against which future progress can be measured in a manner consistent with the direction of the Bay Area Air Quality Management District (BAAQMD). The identification of the major and minor sources of GHG emissions will also help in the process of creating reduction strategies in the CAP that are tailor-made to local emission characteristics.

On June 2, 2010, the BAAQMD's Board of Directors unanimously adopted new California Environmental Quality Act (CEQA) thresholds of significance and guidelines for GHG emissions. The BAAQMD CEQA Guidelines recommend air quality significance thresholds, analytical methodologies, and mitigation measures for cities and counties in the Bay Area to use when preparing air quality impact analyses under CEQA. These analyses are crucial to ensuring that new developments and improvements in the Bay Area do not adversely impact GHG emissions or the region's attainment of Assembly Bill (AB) 32 targets. The BAAQMD CEQA Guidelines include an option for completing a GHG emissions program, called a Qualified Greenhouse Gas Reduction Strategy, at the local government level. After meeting the specific criteria set forth by the BAAQMD to create a strategy, future developments in the jurisdiction would be able to go through a streamlined environmental review process for those projects in compliance with the BAAQMD CEQA Guidelines.

KEY CONCEPTS

The following terms are used throughout and are fundamental to understanding the contents of the Inventory and Forecast:

- **Baseline year:** Emissions are quantified for the baseline year of 2005, an emerging standard in cities across California, consistent with the baseline year definition of AB 32. This baseline year allows the City to track and observe the impact of its actions taken to date on GHG emissions and better inform future strategies.

- **Business-as-usual (BAU):** The scenario on which all forecasts are based. Assumes no specific actions are taken to reduce emissions and growth comes from the expansion of activity and services within Milpitas.

- **Carbon dioxide equivalent (CO_2e):** Represents the three main GHGs (carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O)) in comparable terms, since all three gases trap heat in the atmosphere differently.

- **Sectors:** Emissions are grouped by the type of activity that generated the emissions, such as transportation, residential energy use, and commercial energy use.

LOCAL CONSIDERATIONS

DIRECT WASTEWATER EMISSIONS

The City of Milpitas's wastewater needs are met by the San Jose/Santa Clara Water Pollution Control Plant (Plant) located in San Jose. The wastewater delivered from Milpitas to the Plant produces emissions such as methane and nitrous oxide because of the wastewater treatment process. To show the effect of these potent GHGs on the City's inventory, the emissions were quantified using methods outlined in the Local Government Operations Protocol (LGOP). The formulas used include Equation 10.2, 10.3.2.1, and 10.3. By using service population as the key indicator, in choosing equations which capture process emissions occurring at the Plant, the City of Milpitas is able to accurately report its direct process emissions from wastewater disposal.

LIGHT RAIL METHODS AND SOURCES

The City of Milpitas hosts three Santa Clara Valley Transit Authority (VTA) light rail transit stations with the city limits. With these stations located in Milpitas, residents, employees, and visitors have the opportunity and ability to utilize the VTA's light rail connections to the regional transit system. The emissions associated with the electric light rail infrastructure were included to reflect the amount of ridership resulting from the residents and employees in Milpitas.

Using the total number of VTA light rail boardings, the total number of VTA boardings, and the system-wide miles traveled for the proxy year of 2009, an estimated number of miles traveled on light rail was estimated for Milpitas users. Ridership information came from the VTA's Short Range Transportation Plan adopted in 2010 and the 2005 National Transit Database. Miles traveled on the light rail system were translated to GHG emissions using an energy factor (kWh of electricity per mile) from the Oak Ridge National Laboratory's (ORNL) Transportation Energy Data Book.

POINT SOURCES METHODS AND SOURCES

Stationary, or point source, emissions are identified and quantified in the Inventory but are not included as part of the community-wide inventory results due to the City's limited control over these emissions and the availability of data. Stationary sources in Milpitas emitted 101,480 $MTCO_2e$ in 2009. Data from 2009, as opposed to the baseline year of 2005, was used as it was the earliest available data from the reporting party, the Bay Area Air Quality Management District. The sources of stationary emissions include a landfill gas power plant (accounting for 95% of emissions) and approximately 80 backup power generators at various commercial locations. These emissions are released directly into the atmosphere and do not include indirect emissions sources such as electricity consumption.

APPENDIX A: GREENHOUSE GAS INVENTORY

COMMUNITY INVENTORY SUMMARY

In 2005, Milpitas emitted approximately 744,150 metric tons of carbon dioxide equivalent ($MTCO_2e$). **Table A-1** reports the emissions by sector and ranks the sectors from highest to lowest.

Table A-1: Baseline GHG Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	43%
Nonresidential Energy	183,800	25%
Point Sources	101,480	14%
Residential Energy	64,230	9%
Solid Waste	54,410	7%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%
Direct Wastewater	620	<1%
Total*	744,150	100%

** Due to rounding, the total may not equal the sum of component parts.*

Table A-1 reports point source emissions, which include stationary sources and the Newby Island Resource Recovery Park, and direct wastewater emissions. Stationary sources are fixed emitters of air pollutants, such as power plants, stationary generators, petrochemical plants, and other heavy industrial sources. Since stationary source emissions are influenced by market forces beyond the City's local influence and are best regulated by the BAAQMD or through federal and state programs, they are reported in this Inventory for informational purposes only. Similarly, the City has limited control over the operation of the Newby Island Resource Recovery Park and the San Jose/Santa Clara Water Pollution Control Plant and is unable to directly affect the emissions generated from previously generated waste and the city's relatively small contribution to total direct wastewater emissions. The baseline inventory is intended to guide future local policy decisions that relate to emissions within the City's influence; therefore, stationary sources, direct landfill emissions, and direct wastewater emissions are excluded from all further discussions in this Inventory.

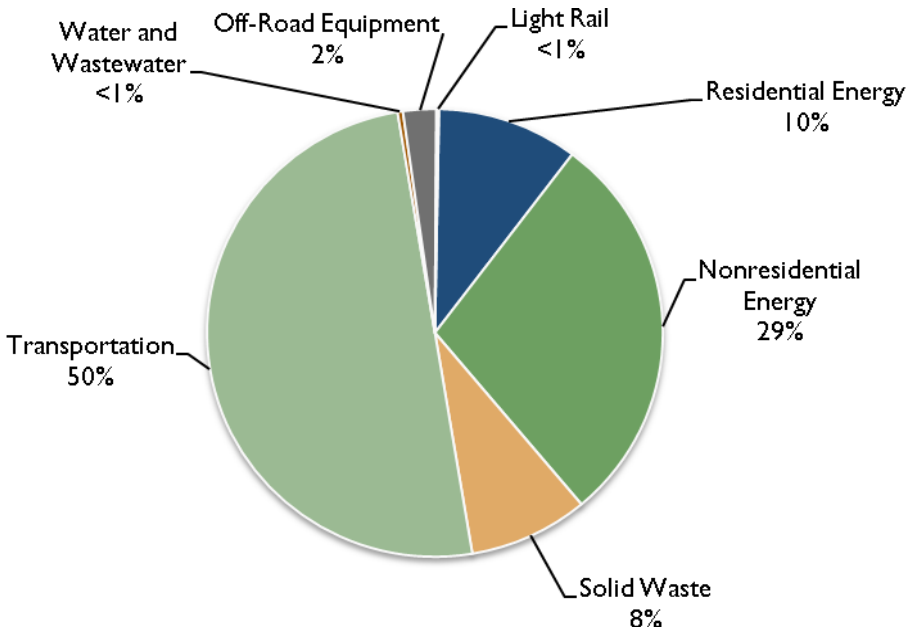
Table A-2 and **Figure A-1** reflect Milpitas's effective baseline of 642,050 $MTCO_2e$. Transportation was the largest sector (320,990 $MTCO_2e$), contributing about 50% of total emissions. Nonresidential energy use is the second largest sector (183,800 $MTCO_2e$, or 29%), followed by residential energy with 64,230 $MTCO_2e$ making up 10% of emissions. The remaining 11% of emissions came from solid waste (54,410 $MTCO_2e$), water and wastewater (2,410 $MTCO_2e$), and light rail (1,070 $MTCO_2e$).

Table A-2: Effective Baseline Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	50%
Nonresidential Energy	183,800	29%
Residential Energy	64,230	10%
Solid Waste	54,410	8%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%
Total*	642,050	100%

** Due to rounding, the total may not equal the sum of component parts.*

Figure A-1: Effective Baseline Emissions by Sector



BUSINESS-AS-USUAL FORECAST

A business-as-usual (BAU) GHG emissions forecast is a prediction of how GHG emissions will change in the future with anticipated changes in population, commercial activity, and driving patterns. This GHG emissions forecast of community-wide emissions focuses on three target years: 2010, 2020, and 2035. The 2010 year is analyzed as a proxy for a community-wide inventory and will assist in determining the

City's progress in reducing emissions. The 2020 year is estimated for consistency with AB 32 targets. Finally, the year 2035 is studied for consistency with the BAAQMD CEQA Guidelines.

Table A-3 lists the various growth indicators used in the forecasts of Milpitas's community-wide emissions. Growth in waste emissions is based on the total service population of Milpitas, as this includes projected residential, commercial, and industrial growth. Residential energy use is tied to the number of households within city limits for the target years. Similarly, commercial and industrial energy use emissions are assumed to grow with the number of jobs.

Transportation is the only sector where more than one source of growth estimation is used. Growth indicators for 2010 and 2020 were provided by Hexagon Transportation Consultants, Inc., and 2035 growth was estimated using countywide figures from the Bay Area Metropolitan Transportation Commission (MTC).

Increases in vehicles miles traveled for 2020 were derived from the Milpitas Travel Forecasting Model (MTFM), a transportation planning tool developed by Hexagon Transportation Consultants, Inc. The MTFM evaluates the traffic impacts anticipated to occur in the future as a result of additional planned development in Milpitas, considering the effects of the City's planning efforts, including policies and programs found in the Transit Area Specific Plan (adopted June 2008) and the Midtown Specific Plan (adopted March 2002, amended October 2008). Significant VMT reductions from future BART ridership based on extending the BART system through Milpitas to San Jose are integrated within the MTFM. In order to highlight the many local benefits of this new ridership, the VMT reductions associated with BART have been removed from the model and are included in CAP Measure 6.1. VMT were provided and calculated on a daily basis. These daily VMT figures were translated into annual VMT using a factor of 347 days per year, provided by the California Air Resources Board, to account for reduced work-related traffic on weekends and holidays.

Table A-3: BAU Forecast Indicators

Growth Indicator	Emissions Sector	2005	2020	2035	Sources
Residents		64,800	82,300	106,000	ABAG 2009
Jobs		47,580	52,550	59,160	ABAG 2009
Service Population (Residents + Jobs)	Waste, Light Rail, Water	112,380	134,850	165,160	ABAG 2009
Households	Residential Energy	17,850	23,090	30,470	ABAG 2009
Employment	Nonresidential Energy	47,580	52,550	59,160	ABAG 2009
Annual VMT	Transportation	697,265,000	799,761,089	940,035,849*	Hexagon, MTC

**VMT for 2035 was derived from countywide figures provided by the MTC*

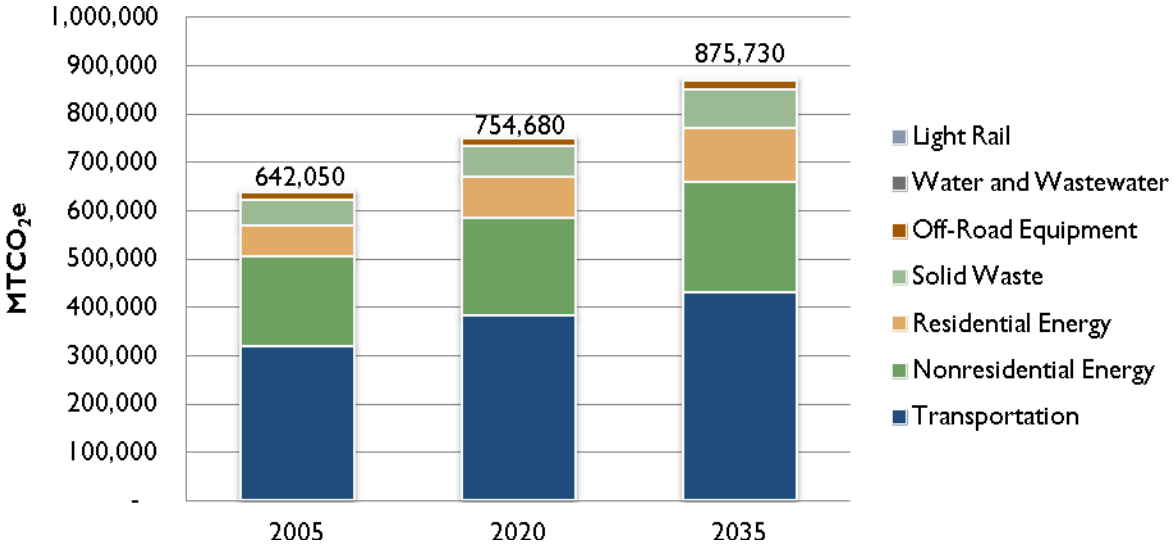
As shown in **Table A-4** and **Figure A-2**, emissions are anticipated to grow 18% from 2005 to 2020. Residential energy emissions are forecast to grow the most among the sectors (39%). The next largest sector would be light rail, followed by transportation, solid waste, and water and wastewater, all of which are expected to increase 20%. Many of these increases result from planned residential development in coming years. Emissions in 2035 are expected to grow 36% to 875,730 $MTCO_2e$.

Table A-4: Business-as-Usual Emissions Forecast

	2005 $MTCO_2e$	2020 $MTCO_2e$	2035 $MTCO_2e$
Transportation	320,990	383,630	432,750
Nonresidential Energy	183,800	203,000	228,540
Residential Energy	64,230	83,090	109,650
Solid Waste	54,410	65,290	79,960
Off-Road Equipment	15,140	15,460	19,670
Water and Wastewater	2,410	2,890	3,540
Light Rail	1,070	1,320	1,620
Total*	642,050	754,680	875,730
Percentage Growth	–	18%	36%

** Due to rounding, the total may not equal the sum of component parts.*

Figure A-2: Business-as-Usual Forecast by Sector



ADJUSTED BUSINESS-AS-USUAL FORECAST

The adjusted business-as-usual (adjusted BAU) forecast is an estimate of how state actions focused on renewable energy, building energy efficiency, low-GHG transportation fuels, and vehicle fuel efficiency will reduce emissions in Milpitas. This adjustment creates a more realistic estimate of the city's future emissions since the reductions will require little to no effort on behalf of the City. A general overview of these state reduction programs is presented below.

California's Renewables Portfolio Standard (RPS): California's Renewables Portfolio Standard (RPS) mandates that 33% of electricity delivered in California is generated by renewable sources like solar, wind, and geothermal by 2020. The California RPS was first codified in 2002 by Senate Bill 1078 (requiring 20% renewable electricity mix by 2010) and further strengthened in April 2011 with the adoption of Senate Bill X 1-2 (requiring 33% renewable electricity mix by 2020).

Technological and political challenges may prevent some investor-owned utilities from meeting the 33% target by 2020. In 2010, the California Public Utilities Commission, the agency responsible for regulating and tracking the progress of the RPS, reported that 18% of California's electricity came from renewable sources in 2010, missing the 20% goal by 2%. California utilities have more than enough renewable electricity under consideration to meet the 33% target by 2020. However, due to contract and transmission limitations, not all of this new electricity will be available in time.[3] Taking these issues into account, this document assumes a more conservative forecast of a 28% renewable mix by 2020.

Pavley Vehicle Standards: California's Pavley regulations were established by AB 1493 in 2002 and require new passenger vehicles to reduce tailpipe GHG emissions from 2009 to 2020. Reductions from the Pavley regulations were calculated using the methodology included in the EMFAC 2011 tool provided by the California Air Resources Board (CARB) and supported by the BAAQMD. Emissions reductions per model year and vehicle class were applied to Milpitas's transportation emissions.

Low Carbon Fuel Standard (LCFS): Codified by 2007 Executive Order S-01-07, the LCFS is intended to reduce the GHG intensity of transportation fuels 10% by 2020. Under the BAAQMD's CEQA threshold development guidance, the LCFS is likely to reduce emissions locally by only 7.2% due to the exclusion of up-stream emissions and reductions. LCFS reductions apply to both on-road transportation and off-road equipment.

Title 24, Energy Efficiency Standards: The 2008 Title 24 update went into effect on January 1, 2010. The energy reductions quantified in the forecast are the mandatory improvements over the 2005 Title 24 code that was established by the update. These are statewide standards applied at the local level by city agencies through project review. The 2008 Title 24 Energy Efficiency Improvements in comparison to 2005 baseline Title 24 efficiency standards are provided by the California Energy Commission (CEC).

[3] Ibid.

California Solar Initiative (CSI): The CSI is a state program that provides cash rebates for the installation of an electric solar panel system. In order to qualify, the customer must buy electricity from one of California's three investor-owned utilities (Pacific Gas and Electric, Southern California Edison, or San Diego Gas & Electric).

Medium- and Heavy-Duty Efficiency Standards: Fuel efficiency improvement for the vehicle classes not covered by Pavley translate to GHG reductions for medium- and heavy-duty vehicles. The guidance for quantification of these reductions comes from the December 2009 BAAQMD Proposed Thresholds of Significance.

IMPACT OF STATE REDUCTION PROGRAMS

As shown in **Table A-5**, state reduction efforts are anticipated to reduce BAU emissions by 128,690 $MTCO_2e$ in 2020 and by 214,710 $MTCO_2e$ in 2035. The majority of these reductions are from the Pavley standards and cleaner energy production standards that PG&E is implementing pursuant to the statewide RPS. In comparison to the BAU scenario, 2020 emissions with state reduction measures are 3% below baseline 2005 levels rather than 18% above. Emissions in 2035 are 3% above baseline as opposed to 36% above in the BAU forecast.

Table A-5: Adjusted Business-as-Usual Emissions Forecast

	2020 $MTCO_2e$	2035 $MTCO_2e$
BAU Emissions Forecast	754,680	875,730
Pavley Vehicle Standards	-63,570	-106,910
Low Carbon Fuel Standard	-28,730	-32,570
Medium/Heavy-Duty Vehicle Efficiency	-840	-1,030
Renewables Portfolio Standard	-27,360	-45,530
California Solar Initiative	-360	-320
Title 24	-7,830	-28,350
Total State Reductions	-128,690	-214,710
Adjusted Growth Projection	625,520	661,020
Percentage Change From 2005	-3%	3%

APPENDIX B: REDUCTION MEASURE METHODS AND SOURCES

OVERVIEW AND PURPOSE

This reduction measure methods and sources appendix summarizes data sources, assumptions, and performance metrics used to calculate GHG emissions reductions for the City's Climate Action Plan. The sources and metrics are organized by measure and rely on four primary types of data and research: (1) the City's GHG emissions inventory and forecast, (2) government agency tools and reports, (3) case studies in similar jurisdictions, and (4) scholarly research.

Further, the approaches to quantification are consistent with the guidance provided by the BAAQMD for development of a Qualified GHG Reduction Strategy. The baseline GHG inventory and forecast serve as the foundation for the quantification of the City's GHG reduction measures. Activity data from the inventory forms the basis of measure quantification, including vehicle miles traveled, kilowatt-hours (kWh) of electricity or therms of natural gas consumed, and tons of waste disposed. Activity data was combined with the performance targets and indicators identified by the City and PMC staff. Together, the metrics of activity data and performance targets and indicators were used throughout the quantification process to calculate the GHG reduction benefit of each measure. This approach ensures that the City's GHG reductions are tied to the baseline and to future activities that are actually occurring within the city.

SUPPORTIVE MEASURES

Not all measures presented in **Chapter 4** will result in direct GHG emissions reductions. However, the implementation of these measures, commonly referred to as supportive measures, are essential to achieve the reported GHG reductions for quantified measures. For these reasons, the following measures are those with no reportable methods, metrics, and sources.

- Measure 1.3: Discretionary Project Review
- Measure 1.8: Online Energy Monitoring
- Measure 3.4: Municipal Best Practices in Renewable Energy
- Measure 4.1: Tiered Water Rates
- Measure 4.2: Recycled Water
- Measure 5.1: Increased Densities
- Measure 5.2: Urban Plazas
- Measure 5.3: Open Space
- Measure 6.2: BART-Friendly Environment
- Measure 6.3: Dense and Centralized Development
- Measure 7.1: Expanded City Parks
- Measure 7.2: Complete Streets
- Measure 7.3: Bikeways Master Plan Infrastructure
- Measure 7.4: Bikeways Master Plan Outreach
- Measure 7.5: Bicycle Parking
- Measure 8.3: Transit Education and Outreach
- Measure 8.4: Regional Transit Use
- Measure 9.1: Unbundled Parking Costs
- Measure 9.2: Nonresidential Parking Requirements
- Measure 10.2: Alternative Fueling Stations
- Measure 10.3: Electric Vehicle Partnerships
- Measure 10.5: Gas Tax
- Measure 10.6: BART Pedestrian Circulator

APPENDIX B: REDUCTION MEASURE METHODS AND SOURCES

TECHNICAL DATA FOR QUANTIFIED MEASURES

Measure:	1.1: Residential Energy Audits in Older Homes
2020 Emissions Reductions ($MTCO_2e$):	-3,930
Assumed Reduction per Participant (2020):	160 kWh and 10 therms per participating home
Performance Target(s) (2020):	Participation of 6,030 homes built before 1980
Reduction Method:	Reductions in electricity and natural gas use from energy audits are assumed to follow those from an aggressive energy efficiency outreach program. The Bonneville Power Administration published a case study in 2011 that showed a 2–3% reduction in home energy use through outreach programs. Since an energy audit does not directly result in energy reductions, only the identification of energy efficiency and conservations measures, it is assumed that with this knowledge, homeowners will take low- to no-cost actions, like those highlighted in outreach programs, to reduce energy use. Reductions are applied to a static target number of examples or representative homes, an assumed percentage of pre-1980 homes audited using grant funds, and a target percentage of pre-1980 homes audited through a business partnership program.
Reduction Sources:	BPA (Bonneville Power Administration). 2011. Residential Behavior Based Energy Efficiency Program Profiles 2011. http://www.bpa.gov/Energy/n/pdf/BBEE_Res_Profiles_Dec_2011.pdf.

Measure:	1.2: Energy Upgrade California
2020 Emissions Reductions ($MTCO_2e$):	-10,360
Assumed Reduction per Participant (2020):	1,160 kWh and 390 therms saved per single-family home 2,330 kWh and 780 therms saved per multi-family unit
Performance Target(s) (2020):	3,260 single-family homes and 630 multi-family units
Reduction Method:	Target participation rates for single-family and multi-family homes were applied to the number of homes in the baseline year to calculate the number of necessary retrofits to reach the participation targets. Baseline electricity and natural gas use was used for both single-family and multi-family homes using baseline energy use and 2005 households provided by the Association of Bay Area Governments (ABAG). The household number was broken out into single- and multi-family homes using the US Census Bureau's 2005–2007 American Community Survey. Metrics on the amount of energy saved per household participating in the Bay Area's Energy Upgrade California programs, known as Upgrade Bay Area, came from the 2012 ABAG report, titled "Retrofit Bay Area Final Report."
Reduction Sources:	ABAG (Association of Bay Area Governments). 2012. Retrofit Bay Area Final Report. US Census Bureau. 2005–2007 American Community Survey 3-Year Estimates.

APPENDIX B: REDUCTION MEASURE METHODS AND SOURCES

Measure:	1.4: Energy Benchmarking
2020 Emissions Reductions ($MTCO_2e$):	-8,260
Assumed Reduction per Participant (2020):	2,050 kWh and 130 therms per home rated and retrofitted 31,340 kWh and 690 therms per nonresidential buildings rated and retrofitted
Performance Target(s) (2020):	4,560 homes benchmarked and 1,140 homes audited and retrofitted 2,960 nonresidential buildings benchmarked and 740 nonresidential buildings audited and retrofitted
Reduction Method:	An estimated number of homes sales per year, based on common online sources, was applied to an assumed rate of energy benchmarking activity. Of these newly sold and rated homes, a certain percentage was assumed to go through a basic energy retrofit to see energy savings. A similar approach was used for nonresidential buildings. Savings from residential retrofits were derived from reported savings for homes in the Bay Area that went through the Energy Upgrade California program, and nonresidential savings came from the Brown et al. report cited below.
Reduction Sources:	ABAG (Association of Bay Area Governments). 2012. Retrofit Bay Area Final Report. Brown, Rich, Sam Borgeson, Jon Koomey, and Peter Biermayer. 2008. U.S. Building-Sector Energy Efficiency Potential. Ernest Orlando Lawrence Berkeley National Laboratory, University of California. http://enduse.lbl.gov/info/LBNL-1096E.pdf. Trulia, Inc. 2012. Milpitas Market Trends. http://www.trulia.com/real_estate/Milpitas-California/market-trends/.

Measure:	1.5: Urban Cooling
2020 Emissions Reductions ($MTCO_2e$):	-950
Assumed Reduction per Participant (2020):	0.25 $MTCO_2e$ reduced from energy conservation and carbon sequestration per home participating in a tree planting program, 120 kWh per home participating in a cool roof program, and 300 kWh per new passive solar home
Performance Target(s) (2020):	Participation of 890 remodeled homes and 2,920 new homes in the tree planting guidelines, participation of 450 existing homes in passive cooling outreach programs, 220 remodeled homes installing cool roofs, and 730 new passive solar homes

Measure:	1.5: Urban Cooling
Reduction Method:	Reductions from the tree planting ordinance were applied to both new and existing development. A growth rate was formed to estimate the number of new homes built from 2013 to 2020 and the added electricity (using the forecast use adjusted for Title 24). An assumed target participation rate for new homes and remodels of existing homes was applied to the forecast and baseline information. Reductions come from the cited source below for sequestration and energy conservation from shading benefits. A target participation rate in an outreach program focused on cooling techniques was bundled with an assumed realization rate (percentage of those participating in outreach that will take the next step in cooling their home with passive devices). This effective percentage participation rate was applied to the kWh of cooling electricity (derived from the Residential Appliance Saturation Survey (RASS)) and the number of homes to gain the savings per home and total residential kWh saved. Action D applies only to existing homes going through retrofits (an estimated 5% by 2020). A target utilization rate was applied to reflect the likelihood that not all homes would participate in the cool roof program. A 20% reduction in cooling-related electricity was provided though personal communication with SMUD staff and was applied to the effective number of participating homes. Action E is applied only to new homes built between 2013 and 2020. An assumed participation rate was used with an assumed reduction in cooling electricity from using a passive solar design.
Reduction Sources:	Donovan, G., and D. Butry. 2009. The value of shade: Estimating the effect of urban trees on summertime electricity use. Energy and Buildings 41: 662–668. KEMA, Inc. 2010. 2009 California Residential Appliance Saturation Study, Volume 2: Results. CEC-200-2010-004. SMUD (Sacramento Municipal Utilities District). 2012. "Cool Roofs." https://www.smud.org/en/residential/save-energy/rebates-incentives-financing/cool-roofs.htm.

Measure:	1.6: Smart Grid Integration
2020 Emissions Reductions ($MTCO_2e$):	-180
Assumed Reduction per Participant (2020):	340 kWh and 10 therms per participating new home 3,090 kWh and 40 therms per participating new nonresidential building
Performance Target(s) (2020):	840 new homes added between 2018 and 2020 100 new businesses added between 2018 and 2020
Reduction Method:	A compounding annual growth rate was used to estimate the number of homes and businesses and the added energy use from 2018 to 2020. A common smart-grid appliance implementation rate of 95% was assumed for all new development from 2018 to 2020. Assumed reductions in electricity and natural gas use were applied to reflect the likely reductions from using smart-grid-enabled appliances.
Reduction Sources:	US Census Bureau. 2005–2007 American Community Survey 3-Year Estimates.

Measure:	1.7: Appliance Upgrades
2020 Emissions Reductions ($MTCO_2e$):	-1,560
Assumed Reduction per Participant (2020):	160 kWh saved per existing single-family home 210 kWh saved per existing multi-family home 5,050 kWh and 120 therms reduced per existing business
Performance Target(s) (2020):	3,260 existing single-family homes, 1,960 existing multi-family homes, and 880 existing businesses
Reduction Method:	Reductions from upgrading appliances were reported by the California Air Pollution Control Officers Association (CAPCOA) source cited below and were applied to an assumed number of participating single-family and multi-family households. A target utilization rate of 75% was applied to reflect the likelihood of homes not utilizing all possible forms of energy-efficient appliances. Nonresidential reductions were calculated using the California Commercial End-Use Survey (CEUS). A utilization rate was also applied to nonresidential reductions based on the likelihood that not all efficient appliances would be installed in all buildings.
Reduction Sources:	CAPCOA (California Air Pollution Control Officers Association). 2010. Quantifying Greenhouse Gas Mitigation Measures. Itron, Inc. 2007. California Commercial End-Use Survey – Results Page. http://capabilities.itron.com/CeusWeb/Chart.aspx.

Measure:	2.1: Energy Efficiency in New Development
2020 Emissions Reductions ($MTCO_2e$):	-150
Assumed Reduction per Participant (2020):	10 kWh and 10 therms per new home 210 kWh and 30 therms per new average-size business
Performance Target(s) (2020):	60 new single-family homes, 350 new multi-family homes, and 260 new average size businesses
Reduction Method:	Tier 1 and Tier 2 levels of CALGreen are improvements upon the existing Title 24 Building Code in California. These improvements were translated into pure energy reductions using the CAPCOA source cited below. Reductions shown for this measure reflect one year (2013) of required Tier 1 improvements for all new development followed by the Tier 2 standard for 2014–2020. In this case, both phases of tiers are assumed to have the same improvement beyond Title 24.

Measure:	2.1: Energy Efficiency in New Development
Reduction Sources:	California Energy Commission. 2012. Proposed Energy Provisions of the California Green Building Standards Code. http://www.energy.ca.gov/title24/2013standards/green_building/documents/2012-09-20_webinar/2012-09-20_Webinar-Energy_Provisions_of_2013_Title_24_Part_11.pdf. ———. 2012. 2013 Building Energy Efficiency Standards. http://www.energy.ca.gov/title24/2013standards/rulemaking/documents/2012-5-31-Item-05-Adoption_Hearing_Presentation.pdf. CAPCOA (California Air Pollution Control Officers Association). 2010. Quantifying Greenhouse Gas Mitigation Measures. Hexagon Transportation Consultants, Inc. 2011. Milpitas Climate Action Plan VMT Calculations. Itron, Inc. 2007. California Commercial End-Use Survey – Results Page. http://capabilities.itron.com/CeusWeb/Chart.aspx. KEMA, Inc. 2010. 2009 California Residential Appliance Saturation Study, Volume 2: Results. CEC-200-2010-004.

Measure:	3.1: Renewable Energy in New Development
2020 Emissions Reductions ($MTCO_2e$):	-1,360
Assumed Reduction per Participant (2020):	19,960 kWh and 1,370 therms per new nonresidential building 5,040 kWh per participating new single-family home
Performance Target(s) (2020):	20 new nonresidential facilities and 1,210 new single-family homes pre-wired for solar which install solar by 2020
Reduction Method:	Energy use added from 2013 to 2020 was calculated for both nonresidential and residential sectors along with businesses and single family homes added for the same period. An assumed percent of nonresidential energy was attributed to be subject to this measure, i.e. the participation rate, of 5%. It was assumed that 5% of new nonresidential buildings would achieve 50% of their energy from renewable sources through the City's discretionary review process. It was also assumed that 25% of new single family homes would be pre-wired with solar capabilities and that 25% of those pre-wired homes would install an average size solar system by 2020.
Reduction Sources:	NREL (National Renewable Energy Laboratory). 2012. PVWatts Calculator. http://www.nrel.gov/rredc/pvwatts/.

Measure:	3.2: Group Purchasing of Renewable Energy
2020 Emissions Reductions ($MTCO_2e$):	-7,290
Assumed Reduction per Participant (2020):	5,040 kWh per participating home

Measure:	3.2: Group Purchasing of Renewable Energy
Performance Target(s) (2020):	3,260 single-family and 630 multi-family homes participating in financing and bulk purchasing programs
Reduction Method:	Assumed participation rates for single-family and multi-family homes were assumed for both the financing and bulk-purchasing portions of this measure. An average system size was then used along with the NREL's PVWatts calculator to produce kWh of electricity produced from solar energy per year.
Reduction Sources:	NREL (National Renewable Energy Laboratory). 2012. PVWatts Calculator. http://www.nrel.gov/rredc/pvwatts/.

Measure:	3.3: Voluntary Renewable Energy
2020 Emissions Reductions ($MTCO_2e$):	-2,600
Assumed Reduction per Participant (2020):	5,040 kWh per participating home
Performance Target(s) (2020):	2,450 single-family and 320 multi-family homes installing solar systems
Reduction Method:	Assumed participation rates for the installation of solar systems in both single-family and multi-family homes were applied to baseline household and electricity use data. An average system size was then used along with NREL's PVWatts calculator to produce kWh of electricity produced from solar energy per year.
Reduction Sources:	NREL (National Renewable Energy Laboratory). 2012. PVWatts Calculator. http://www.nrel.gov/rredc/pvwatts/.

Measure:	3.5: Model Power Purchase Agreement
2020 Emissions Reductions ($MTCO_2e$):	-3,950
Assumed Reduction per Participant (2020):	36,000 kWh per average-sized business
Performance Target(s) (2020):	590 average-sized businesses
Reduction Method:	A target participation rate in the PPA and solar installation programs was applied to estimates of the number of businesses in Milpitas (derived from a 2007 US Census Bureau count of the number of firms in the city) to get the number of participating businesses. An average system size of 15 kW was applied to each participant, and the NREL's PVWatts calculator was used to calculate the total kWh produced by each system.
Reduction Sources:	NREL (National Renewable Energy Laboratory). 2012. PVWatts Calculator. http://www.nrel.gov/rredc/pvwatts/. US Census Bureau. 2005–2007 American Community Survey 3-Year Estimates.

Measure:	6.1: Transit Density
2020 Emissions Reductions ($MTCO_2e$):	-11,750
Assumed Reduction per Participant (2020):	360 VMT per home and 480 VMT per job
Performance Target(s) (2020):	8,000 new transit riders working and/or living in Milpitas
Reduction Method:	Milpitas's business-as-usual VMT forecast included reductions in conventional VMT as a result of increased transit ridership. Further correspondence with Hexagon Transportation Consultants, Inc., resulted in pulling out a set number of transit VMT from the forecast and including them here.
Reduction Sources:	Hexagon Transportation Consultants, Inc. 2011. Milpitas Climate Action Plan VMT Calculations. Hexagon Transportation Consultants, Inc. 2011. Personal Correspondence with At van den Hout.

Measure:	6.4: Regional Arterials
2020 Emissions Reductions ($MTCO_2e$):	-600
Assumed Reduction per Participant (2020):	10 $MTCO_2e$ reduced per synchronized traffic intersection
Performance Target(s) (2020):	60 intersections
Reduction Method:	The number of intersections in Milpitas was reported in the FY 2010 CAFR, cited below. The savings per synchronized signal was derived from a 2008 funding proposal by the City of San Jose. Using the number of signals to be synchronized in the projects and the reported future savings in fuel use, a factor of gallons saved per signal was calculated and applied to the City of Milpitas. The project outline in the City of San Jose funding proposal was 90% engineered at the time, leading to a high confidence in the reduction numbers reported and used.
Reduction Sources:	California Air Resources Board, et al. 2010. Local Government Operations Protocol. City of Milpitas. 2010. Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010. City of San Jose. 2008. Proposition 1B Traffic Light Synchronization Program Application for Traffic Signal Communications and Synchronization Project. http://www.sanjoseca.gov/transportation/supportFiles/tlsp/TLSP_APPLICATION.pdf. CARB (California Air Resources Board). Climate Change Draft Scoping Plan – Measure Documentation Supplement. http://www.arb.ca.gov/cc/scopingplan/document/measure_documentation.pdf.

APPENDIX B: REDUCTION MEASURE METHODS AND SOURCES

Measure:	8.1: Transportation Demand Management
2020 Emissions Reductions ($MTCO_2e$):	-440
Assumed Reduction per Participant (2020):	210 miles reduced per participating commuter
Performance Target(s) (2020):	6,010 single-occupant commuters participating in rideshare program
Reduction Method:	The total number of people who commute from Milpitas by driving alone was obtained from the US Census Bureau's 2005–2007 American Community Survey. An assumed participation rate was applied to get the number of drivers switching to a rideshare commuting program. A VMT reduction per participant was applied to show the savings from a rideshare program.
Reduction Sources:	Blake, Cindy. 2009. Rideshare Administrative Assistant. Lucky Bucks statistical data. November 3. US Census Bureau. 2005–2007 American Community Survey 3-Year Estimates.

Measure:	8.2: Car-Share Programs
2020 Emissions Reductions ($MTCO_2e$):	-3,790
Assumed Reduction per Participant (2020):	3,000 miles per participant per year
Performance Target(s) (2020):	3,610 single-occupant commuters participating in car-share program
Reduction Method:	The total number of single-occupant commuters was retrieved from the US Census Bureau's American Community Survey. An assumed participation rate was applied. Participation in car-sharing programs in a typical region is 10–20% of residents living in neighborhoods suitable for car sharing, and perhaps 3–5% of those residents would car share rather than own a private vehicle ownership if the service were available (VTPI 2009). Car sharing is found to typically be used by residents that drive 6,000 miles a year or less. Reduction is approximately 50%, or 3,000 miles a year.
Reduction Sources:	City Car Share. n.d. Bringing Car-Sharing to Your Community. http://www.citycarshare.org/download/CCS_BCCtYC_Long.pdf. VTPI (Victoria Transport Policy Institute). 2008. TDM Encyclopedia. Ridesharing. http://www.vtpi.org/tdm/tdm34.htm.

Measure:	10.1: Parking for Low-Emissions Vehicles
2020 Emissions Reductions ($MTCO_2e$):	-2,800
Assumed Reduction per Participant (2020):	4.6 $MTCO_2e$ reduced per electric vehicle charging station parking spot installed
Performance Target(s) (2020):	1,220 additional electric vehicle charging station parking spots

Measure:	10.1: Parking for Low-Emissions Vehicles
Reduction Method:	Reductions are assumed to come from an aggressive outreach program focused on electric vehicle fleet conversion and the setting aside of parking spots for electric and other low-emissions vehicles. An assumed mileage driven per parking spot per year metric was used to estimate the emissions associated with one nonresidential parking spot per year. The difference between these emissions and the emissions associated with driving an electric or low-emissions vehicle is the reduction reported for the measure.
Reduction Sources:	Plug-In Cars. 2010. Nissan LEAF Finally Gets Official EPA Fuel Economy Label. http://www.plugincars.com/nissan-leaf-finally-gets-official-epa-label-106486.html.

Measure:	10.4: Residential Electric Vehicle Charging
2020 Emissions Reductions ($MTCO_2e$):	-790
Assumed Reduction per Participant (2020):	2,060 fossil fuel–powered VMT per household
Performance Target(s) (2020):	1,100 new homes pre-wired for electric vehicles
Reduction Method:	The number of vehicle miles traveled (VMT) within Milpitas on local roads, assumed to be the most common use for an electric vehicle (EV), was collected from Table 2 of the Hexagon memo cited below. An assumed participation rate for pre-wiring and a further rate for pre-wired homes utilizing EVs were used to calculate the total savings. Per household savings assume that the internal trips on local roads are replaced completely by EVs.
Reduction Sources:	ABAG (Association of Bay Area Governments). 2009. Projections 2009. Hexagon Transportation Consultants, Inc. 2011. Milpitas Climate Action Plan VMT Calculations.

Measure:	11.1: Waste Diversion
2020 Emissions Reductions ($MTCO_2e$):	-9,200
Assumed Reduction per Participant (2020):	0.4 tons of food waste per participating customer 1.5 tons of C&D waste per new construction project
Performance Target(s) (2020):	6,020 customers participating in food waste collection program and 40% of new construction projects

APPENDIX B: REDUCTION MEASURE METHODS AND SOURCES

Measure:	11.1: Waste Diversion
Reduction Method:	For the food waste collection action focused on the community, an assumed participation rate of 5% was applied, along with the percentage of waste which was food, to calculate the tons of food waste disposed of in 2005. A factor utilized in the quantification of existing measures was used to calculate the amount of $MTCO_2e$ offset by composting food waste and not disposing of it in a landfill. Implementation is based on a target percentage of restaurants participating. The number of restaurants in the city was estimated using a focused search of yelp.com. An assumed number of employees per restaurant was applied so that the CIWMB's tons per employee per day figure could be better utilized. Table SW-1.3 of CAPCOA was used to calculate the tons of food waste from total tons. A factor utilized in the quantification of existing measures was used to calculate the amount of $MTCO_2e$ offset by composting food waste and not disposing of it in a landfill. Implementation is based on a target percentage of restaurants participating. For the C&D ordinance action, the amount of waste disposed in 2020 was used because it is based on future growth and is more accurate for the future C&D generation from growth in Milpitas. The amount of waste from C&D, as a percentage of total, came from the CARB Landfill Emissions Tool v1.2. A compliance rate of 95% was applied to the 75% diversion rate to calculate the effective diversion rate of 71%. The CARB Landfill Emissions Tool was used again to calculate how much $MTCO_2e$ is emitted per each ton of C&D waste disposed. This factor was applied to the tons of C&D diverted in 2020 to calculate the total GHG benefit of the ordinance.
Reduction Sources:	CIWMB (California Integrated Waste Management Board). 2006. Targeted Statewide Waste Characterization Study: Waste Disposal and Diversion Findings for Selected Industry Groups. CAPCOA (California Air Pollution Control Officers Association). 2010. Quantifying Greenhouse Gas Mitigation Measures. California Air Resources Board. Landfill Emissions Tool. V1.2. http://www.arb.ca.gov/cc/protocols/localgov/localgov.htm Haight, M. 2005. "Assessing the environmental burdens of anaerobic digestion in comparison to alternative options for managing the biodegradable fraction of municipal solid wastes." Water Science & Technology (52): 553–559.

Measure:	12.1: Lawn and Garden Equipment
2020 Emissions Reductions ($MTCO_2e$):	-250
Assumed Reduction per Participant (2020):	0.08 $MTCO_2e$ per lawn mower replaced and 0.04 $MTCO_2e$ per leaf blower replaced
Performance Target(s) (2020):	680 conventional leaf blowers and 2,670 conventional lawn mowers replaced with electric versions
Reduction Method:	The GHG reduction potential of switching leaf blowers and lawn mowers to electric from gasoline or diesel will result in decreased fuel consumption and air pollution but will also result in a small increase in electricity use to power this equipment. The net difference between the original emissions of those converted pieces of equipment and the emissions from the added electricity use from conversion is represented here.

Measure:	12.1: Lawn and Garden Equipment
Reduction Sources:	BAAQMD (Bay Area Air Quality Management District). 2010. History of Air District: 1995–2000. http://www.baaqmd.gov/Divisions/Communications-and-Outreach/News-Media-and-Features/History-of-Air-District-2005/1995--2000.aspx. CAPCOA (California Air Pollution Control Officers Association). 2010. Quantifying Greenhouse Gas Mitigation Measures. CARB (California Air Resources Board). 2007. Off-Road Software.

Measure:	12.2: Construction Best Management Practices
2020 Emissions Reductions ($MTCO_2e$):	-4,010
Assumed Reduction per Participant (2020):	5% to 9% reduction in emissions per piece of equipment
Performance Target(s) (2020):	40% of construction equipment comply with applicable best management practices
Reduction Method:	A target conversion rate to alternative fuels of 40% was assumed for all construction equipment used in Milpitas. An even distribution was used for the four fuels listed in the measure, meaning each will have a market penetration of 10%. Emissions factors from Table 4 in the EPA report "Potential for Reducing Greenhouse Gas Emissions in the Construction Sector" were used to calculate the reduction from converting diesel vehicles to CNG fuel; Table 5 was used for conversion to biodiesel and assumed reductions were used for electric and hybrid conversions.
Reduction Sources:	EPA (US Environmental Protection Agency). 2009. Potential for Reducing Greenhouse Gas Emissions in the Construction Sector. http://www.epa.gov/sectors/pdf/construction-sector-report.pdf.

APPENDIX C: DEVELOPMENT CHECKLIST

DEVELOPMENT CHECKLIST

The following checklist has been developed to assist project applicants and City staff to determine whether a proposed project complies with the Climate Action Plan.

If the proposed project's expected GHG emissions were not considered in the GHG emissions 2020 and 2035 forecast included in **Appendix A** of the CAP, this checklist is provided for informational use but may not preclude preparation of separate GHG analysis for the project. Examples of projects that may not be incorporated into the City's forecast include stationary source emissions regulated by the Bay Area Air Quality Management District, General Plan amendments, new specific plans that exceed the City's proposed population and job growth forecasts, and GHG emissions used in specific manufacturing processes that are not easily tracked at a community-wide level.

PROJECT DESCRIPTION/CHARACTERISTICS

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

Identify the applicable land uses:

☐ Residential ☐ Commercial ☐ Industrial ☐ Manufacturing ☐ Other

Project Description:

APPENDIX C: DEVELOPMENT CHECKLIST

AMENDMENTS REQUESTED

Does the project require an amendment to any of the following planning documents?

General Plan: ☐ Yes ☐ No ☐ Not Sure

Midtown Specific Plan: ☐ Yes ☐ No ☐ Not Sure

Transit Area Specific Plan: ☐ Yes ☐ No ☐ Not Sure

GHG EMISSIONS INCORPORATED WITHIN CITY GHG FORECAST

Was this project, and its potential GHG emissions sources, considered in the City's GHG inventory and forecast?

☐ Yes ☐ No ☐ To be determined by staff

PROJECT SOURCES OF GHG EMISSIONS CONSIDERED IN CITY INVENTORY

Identify the activities and sources of GHG emissions anticipated by the proposed project during either the construction or operational phases of the project.

Potential GHG Emissions Sources:		
☐ Electricity Use	☐ Res./Comm./Ind. Waste	☐ Gasoline or Diesel Use
☐ Natural Gas Use	☐ Wastewater Disposal	☐ Transportation (On-Road)
☐ Const. & Demolition Waste	☐ Water Use	☐ Off-Road Equipment
☐ Other _____		

ESTIMATED GHG EMISSIONS

If a GHG emissions analysis has been prepared for the proposed project, please provide the estimated GHG emissions for the project below or as an attachment to this worksheet.

Annual Construction Emissions: _____ $MTCO_2e$

Annual Operational Emissions: _____ $MTCO_2e$

APPENDIX C: DEVELOPMENT CHECKLIST

APPLICABLE MEASURES/COMPLIANCE

Identify in the checklist below the applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's Climate Action Plan.

Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and(2) currently being implemented by the City. By following these two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

** All measures that are considered applicable on this list are required to be implemented in order to demonstrate consistency with the CAP.*

RECOMMENDED MEASURES

This list includes measures and actions identified in the CAP, or programs and regulations that have yet to be adopted by the City, which would apply to a project of this type. These measures should be included in the project design as feasible and, once implemented or adopted by the City, be included in the list of required measures above.

Measure	Action	Applicability	Compliance*
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A
			☐ Yes ☐ No ☐ N/A

** All measures considered applicable on this list should be considered for implementation in order to demonstrate consistency with the CAP.*

OTHER GHG REDUCTION MEASURES IMPLEMENTED

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in $MTCO_2e$.

Additional Measure	Estimated Annual GHG Reductions ($MTCO_2e$)

Appendix D: City Council Resolution Adopting the CAP

To be inserted in the Final Climate Action Plan.

CITY OF MILPITAS

CALIFORNIA

INCORPORATED

JANUARY 26, 1954

Page 1-4

Relationship to the General Plan and California Environmental Quality Act

The City has developed the CAP to serve as a strategic planning document. While achieving GHG reductions, the CAP also implements objectives of numerous local planning documents and statewide regulations. The CAP is a stand-alone policy and implementation item coordinated with the adopted General Plan. The City will adaptively manage the CAP over time, maintaining flexibility to update the CAP as opportunities shift and new resources emerge.

Coordination with the General Plan

The Milpitas General Plan identifies energy efficiency, waste reduction, and efficient land use as priorities for the City. Numerous General Plan policies and recommendations in other planning documents would reduce GHG emissions. In turn, CAP measures, policies, and actions to reduce community-wide GHGs are aligned with General Plan goals and policies.

The CAP also supports Milpitas's specific and master plans. Amendments to the General Plan in 2013 prioritize the residential development of the Midtown and Transit Area Specific Plan, presenting the City's policy to not consider the conversion to residential uses of other areas until achieving 80% buildout of the Midtown and Transit Area Specific Plans (see Implementing Policy 2.a-I-2 of the General Plan). Through implementation of these plans, the City has already made significant progress to reduce future GHG emissions. The beneficial effects of these efforts are presented in both the City's emissions growth forecast in **Chapter 2** and in the existing measures section of **Chapter 4.**

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MEASURE 2.1: ENERGY EFFICIENCY IN NEW DEVELOPMENT

ENCOURAGE NEW DEVELOPMENT AND REMODELS TO EXCEED MINIMUM BUILDING STANDARDS FOR ENERGY EFFICIENCY AND CONTINUE IMPLEMENTATION OF THE ADOPTED GREEN BUILDING ORDINANCE.

Actions

A. Incentivize new development to exceed minimum building standards through permit fee reductions.

B. Consider the development of an equipment lease-to-own program to offset the cost of energy-efficient equipment purchases.

C. Continue to require new multi-family buildings to complete a LEED or Green Point Rated checklist [Milpitas Municipal Code (MMC) II-20-3.01(a)].

D. ~~In addition to CALGreen Tier 1 energy efficiency requirements, n~~ New nonresidential construction between 25,000 and 49,999 gross square feet must still obtain LEED certification (with verification) (MMC II-20-3.01(b)). New nonresidential construction or renovations greater than or equal to 50,000 gross square feet must be verified as LEED silver (MMC II-20-3.01(c)). Construction or renovations of municipal buildings greater than or equal to 50,000 square feet must be LEED silver (MMC II-20-3.01(d)).

Page 4-24

MEASURE 9.1: UNBUNDLED PARKING COSTS

UNBUNDLE PARKING COSTS FROM HOUSING AND NONRESIDENTIAL BUILDING COSTS.

Actions

A. Revise development standards for multi-family and mixed-uses to separate parking costs from the cost to rent, purchase, or lease residential and nonresidential buildings to incentivize use of alternative transportation modes.

Page 4-25

MEASURE 10.1: PARKING FOR LOW-EMISSIONS VEHICLES

REVISE PARKING STANDARDS FOR PUBLIC AND NONRESIDENTIAL DEVELOPMENT TO INCLUDE DESIGNATED STALLS FOR LOW-EMISSIONS, FUEL-EFFICIENT VEHICLES AND CARPOOL/VANPOOL VEHICLES ~~FOR A MINIMUM OF 10% OF NEW PARKING CAPACITY~~.

Actions

A. Revise development standards.

E. Provide materials to support developers in obtaining and providing charging stations.

F. Investigate the possibility of facilitating a large-scale group buy of charging stations and other equipment on behalf of developers.

G. Provide a parking reduction ratio of one-to-one for every percentage of total parking spots designated for low-emitting, fuel-efficient vehicles.

H. Pre-wire stalls for electric vehicle charging stations for 2% of new parking capacity

Page 4-26

~~MEASURE 10.5: GAS TAX~~

~~INVESTIGATE ADOPTION OF A LOCAL GAS TAX TO CREATE FUNDING TO PROVIDE REBATES FOR CLEAN FUEL INFRASTRUCTURE AND/OR VEHICLES IN MILPITAS.~~

~~Actions~~

~~A. Work with regional partners to identify opportunities to create a model ordinance and rate structure.~~

~~B. Monitor regional and state efforts to implement similar programs.~~

Page 4-27

MEASURE 10.~~6~~ 5: BART STATION PEDESTRIAN CIRCULATOR

INVESTIGATE THE FEASIBILITY OF A PEDESTRIAN CIRCULATOR AROUND THE BART STATION.

ACTIONS

A. Study the feasibility of a pedestrian circulator around the BART station.

B. Pursue funding sources from BART, VTA and/or Metropolitan Transportation Commission.

Page 5-1

APPLICABILITY

For discretionary projects seeking to use CEQA streamlining provisions, the City may require measures in this CAP as mandatory conditions of approval or as mitigation identified in a mitigated negative declaration or in an environmental impact report, as feasible ~~appropriate~~, on a project-by-project basis. This approach allows the City to ensure that new development can benefit from CEQA streamlining provisions while also ensuring that the City can achieve the reduction targets outlined in this plan.

Furthermore, as a programmatic tiering document under CEQA, the CAP will be the City's one-stop shop for greenhouse gas analysis and mitigation under CEQA. This CAP does not identify measures as mandatory or voluntary. Rather, the City will ensure appropriate use of the CAP for CEQA streamlining by maintaining the prerogative to identify appropriate mandatory and voluntary measures to integrate into project design or mitigation ~~on a project-by-project basis~~. The City will recommend inclusion of all feasible and applicable measures on a project-by-project basis. The City will use the development checklist described below to identify appropriate measures. City staff will also ~~and~~ work with project applicants to determine the appropriate use of the CEQA benefits of the Climate Action Plan.

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Table 6-1: Implementation Plan

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
~~10.5~~	~~Gas Tax~~	~~Mid-Term~~	~~Planning & Neighborhood Services~~	~~None~~		
10.~~6~~ 5	BART Station Pedestrian Circulator	Long-Term	Planning & Neighborhood Services	CE 3.d-G-7	BART,VTA, MTC	

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Supportive Measures

Not all measures presented in **Chapter 4** will result in direct GHG emissions reductions. However, the implementation of these measures, commonly referred to as supportive measures, are essential to achieve the reported GHG reductions for quantified measures. For these reasons, the following measures are those with no reportable methods, metrics, and sources.

- Measure 1.3: Discretionary Project Review
- Measure 1.8: Online Energy Monitoring
- Measure 3.4: Municipal Best Practices in Renewable Energy
- Measure 4.1: Tiered Water Rates
- Measure 4.2: Recycled Water
- Measure 5.1: Increased Densities
- Measure 5.2: Urban Plazas
- Measure 5.3: Open Space
- Measure 6.2: BART-Friendly Environment
- Measure 6.3: Dense and Centralized Development
- Measure 7.1: Expanded City Parks
- Measure 7.2: Complete Streets
- Measure 7.3: Bikeways Master Plan Infrastructure
- Measure 7.4: Bikeways Master Plan Outreach
- Measure 7.5: Bicycle Parking
- Measure 8.3: Transit Education and Outreach
- Measure 8.4: Regional Transit Use
- Measure 9.1: Unbundled Parking Costs
- Measure 9.2: Nonresidential Parking Requirements
- Measure 10.2: Alternative Fueling Stations
- Measure 10.3: Electric Vehicle Partnerships
- ~~Measure 10.5: Gas Tax~~
- Measure 10.~~6~~5: BART Pedestrian Circulator

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~~Estimated GHG Emissions~~

~~If a GHG emissions analysis has been prepared for the proposed project, please provide the estimated GHG emissions for the project below or as an attachment to this worksheet.~~

~~Annual Construction Emissions: _____ $MTCO_2e$~~

~~Annual Operational Emissions: _ $MTCO_2$~~

AGENDA ITEM: IX-2

2-D

MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING Meeting Date: April 10, 2013

APPLICATION: **GENERAL PLAN AMENDMENT NO. GP13-0002: CLIMATE ACTION PLAN**

APPLICATION SUMMARY: This Climate Action Plan (CAP) is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020.

LOCATION: Citywide

RECOMMENDATION: **Staff recommends that the Planning Commission:** Adopt Resolution No. 13-014 recommending approval of the project to the City Council.

CEQA Determination: A Negative Declaration has been circulated for public comment.

PLANNER: Sheldon S. Ah Sing, Senior Planner

ATTACHMENTS:
A. Resolution No. 13-014
B. Project Initial Study/Negative Declaration
C. Draft Climate Action Plan
D. Study Session Meeting Minutes (March 20, 2013)

BACKGROUND

Acknowledging some of the climate change issues, the State of California adopted the Global Warming Solutions Act of 2006, also known as AB 32. The law requires the California Air Resources Board (CARB) to develop regulatory and market mechanisms that will reduce greenhouse gas emissions to 1990 levels by 2020
.
In December 2008, CARB approved the AB 32 Scoping Plan outlining regulatory and market mechanisms to achieve the goal of AB 32. The plan cites local government action as an integral partner to achieving the State's goals. A number of other legislative actions support AB 32 and the overall focus on energy efficiency and climate change.

The Bay Area Air Quality Management District (BAAQMD) established new California Environmental Quality Act (CEQA) thresholds in 2010 regarding greenhouse gas (GHG) emissions. As a result some discretionary projects would exceed these established thresholds and require further environmental documentation unless the project was consistent with adopted Climate Action Plan or qualified greenhouse reduction strategy.

This Climate Action Plan (CAP) is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020.

PROJECT DESCRIPTION

This report provides an overall summary of the project because the Climate Action Plan or Qualified GHG Reduction Strategy (used interchangeably) includes greater detail and is organized in such as way to be straightforward.

Project Kick Off

The project began using work that was already previously completed, such as the Municipal GHG Emissions inventory from 2005. The City had a budget of $100,000 to complete the project and reviewed Requests for Proposals from consulting firms that could provide the City with the technical expertise to draft a qualified greenhouse gas reduction strategy. In addition, the City received a grant from the Santa Clara Valley Transportation Authority which paid for approximately 60% of the cost of the project. PMC was chosen through a competitive process to assist the City with the project. Thus the project was launched in 2011.

Inventory and Reduction Target

Inventory

A GHG emissions inventory (Inventory) lays the groundwork for the entire CAP planning process. This Inventory catalogues GHG emissions for 2005 and projects emissions levels for 2020. To comply with state guidance, the CAP identifies an emissions reduction target for the forecast year (see Chapter 3 of the CAP). The difference between the emissions projection and the reduction target represents the necessary reduction in the amount of GHG emissions and sets

the focus for the reduction measures presented in Chapter 4 of the CAP. Additional information on the Inventory is provided in Appendix A of the CAP.

In 2005, the Milpitas community emitted approximately 744,150 $MTCO_2e$. **Table 1** below reports these emissions by sector and ranks the sectors from highest to lowest.

Table 1:
Baseline Greenhouse Gas Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	43%
Nonresidential	183,800	25%
Residential	64,230	9%
Stationary Sources	101,480	14%
Solid Waste	54,410	7%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%
Direct Wastewater	620	<1%
Total	744,150	100%

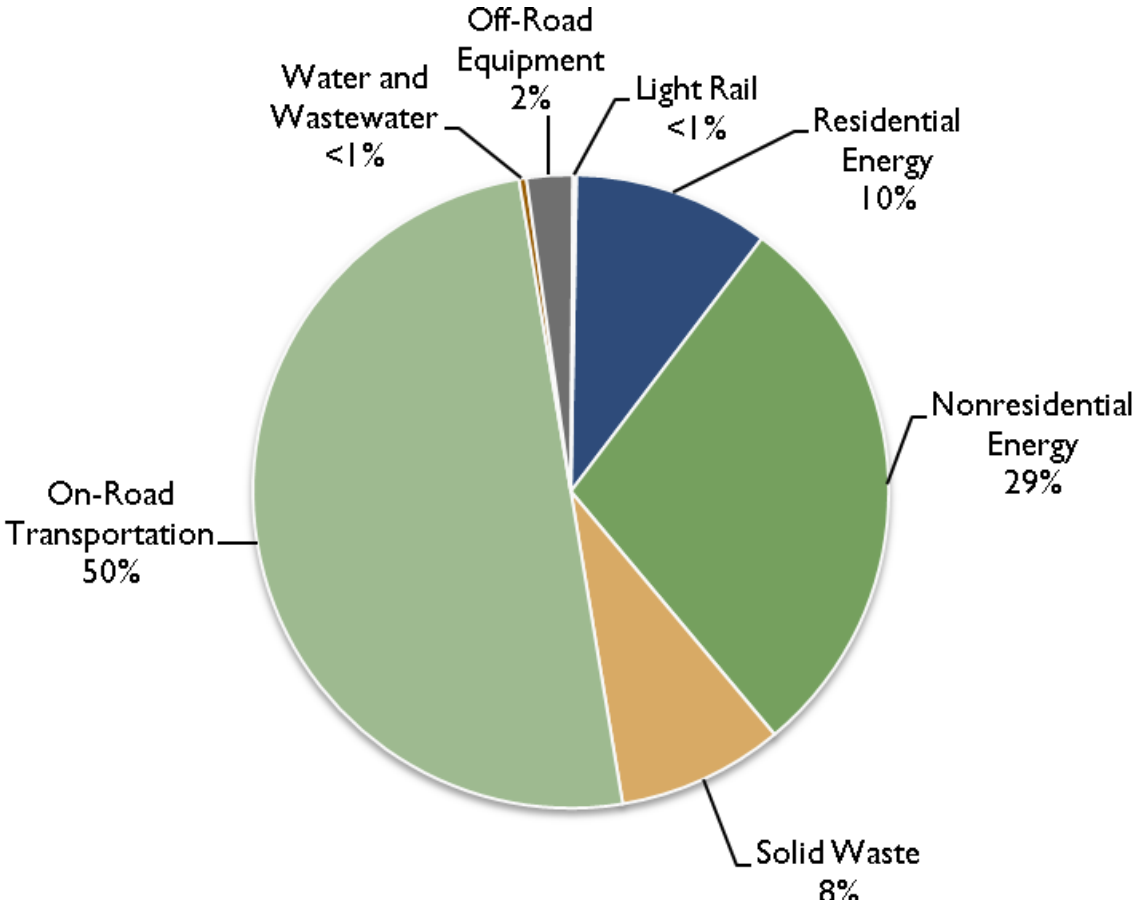
The baseline inventory guides future local policy decisions that relate to emissions within the City's influence; therefore, stationary sources, direct landfill emissions, and direct wastewater emissions are excluded from further discussion. **Table 2** and **Figure 1** reflect Milpitas's jurisdictional baseline of 642,050 $MTCO_2e$.

Table 2:
Jurisdictional Baseline Greenhouse Gas Emissions by Sector

	2005 $MTCO_2e$	Percentage of Total
Transportation	320,990	50%
Nonresidential Energy	183,800	29%
Residential Energy	64,230	10%
Solid Waste	54,410	8%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%
Light Rail	1,070	<1%

	2005 $MTCO_2e$	Percentage of Total
Total	642,050	100%

Figure 1:
Jurisdictional Baseline Emissions by Sector



Greenhouse Gas Emissions Forecast
A GHG emissions forecast is an estimate of future GHG emissions based on anticipated changes in population, jobs, households, commercial activity, and driving patterns in the community. This forecast of community-wide emissions addresses 2020, the AB 32 horizon year. Two versions of the forecast are presented below—a business-as-usual (BAU) and a State-adjusted BAU (adjusted BAU) scenario.

Business as Usual Forecast
The BAU forecast estimates how emissions would grow over time without influence from state, regional, and local GHG reduction efforts. This BAU forecast assumes 2005 energy consumption and energy efficiency rates and incorporates demographic information from the Association of

Bay Area Governments (ABAG) 2009 regional population, household, and employment forecasts.

Table 3:
Business-as-Usual Emissions Forecast, 2020

	2005 $MTCO_2e$	2020 $MTCO_2e$	Percentage Change
Transportation	320,990	383,630	20%
Nonresidential Energy	183,800	203,000	10%
Residential Energy	64,230	83,090	29%
Solid Waste	54,410	65,290	20%
Off-Road Equipment	15,140	15,460	2%
Water and Wastewater	2,410	2,890	20%
Light Rail	1,070	1,320	23%
Total	642,050	754,680	18%

As shown in **Table 3**, without state or local action, emissions would grow 18% from 2005 to 2020. Energy emissions would grow the most among the sectors (39%). The next largest sector would be light rail, followed by transportation, solid waste, and water and wastewater, all of which are expected to increase 20%. Many of these increases result from planned residential development in coming years.

Adjusted Business as Usual Forecast
The adjusted business-as-usual (adjusted BAU) forecast estimates how state renewable energy, building energy efficiency, low-GHG transportation fuels, and vehicle fuel efficiency actions will reduce emissions in Milpitas. This adjustment creates a more realistic estimate of the city's future emissions since the reductions will require little to no effort on behalf of the City, yet count toward a locally established GHG emissions reduction target. A general overview of these state reduction programs is presented below. A more in-depth discussion is provided in Appendix B of the CAP.

As shown in **Table 4**, implementation of the above-listed state programs would reduce BAU emissions by 128,980 $MTCO_2e$ in 2020. Most of these reductions come from the Pavley standards and cleaner Pacific Gas and Electric (PG&E) energy pursuant to the RPS. Compared to the BAU scenario, 2020 emissions with state reduction measures would be 3% below baseline 2005 levels, rather than 18% above. Appendix B of the CAP provides a detailed look at the how each state GHG reduction program affects the individual inventory sectors.

Table 4:
Summary of Adjusted Business as Usual Emissions Forecast

State Reduction Summary		2020 $MTCO_2e$ Reduction
BAU Emissions Forecast		754,680
State Reductions	Pavley Vehicle Standards	-63,570
	Low Carbon Fuel Standard	-28,730
	Medium/Heavy-Duty Vehicle Efficiency	-840
	Renewables Portfolio Standard	-27,360
	California Solar Initiative	-360
	Title 24	-7,830
Total State Reductions		-128,980
Adjusted BAU Emissions Forecast		625,520

Reduction Target
The GHG reduction target is the overarching goal of the CAP and an objective way to measure the success of the Qualified GHG Reduction Strategy. The purpose of the reduction target is to identify a level of community GHG emissions below which emissions would not be cumulatively considerable under the State and BAAQMD CEQA Guidelines.

Based on technical assessment for conditions in the Bay Area, the BAAQMD identified three thresholds for plan-level GHG analysis:

- Reduce emissions to 1990 levels by 2020;
- Reduce emissions 15% below baseline (2008 or earlier) emission levels by 2020; or
- Meet the plan efficiency threshold of 6.6 $MTCO_2e$ per service population. Additionally, the BAAQMD CEQA Guidelines identify an efficiency threshold for land use projects of 4.6 $MTCO_2e$ per service population.

Milpitas Target
This CAP establishes a local GHG reduction target of 15% below baseline 2005 emissions levels by 2020. This target serves as the City's cumulative level of significance for community-wide GHG emissions through 2020. The reduction target equates to a 96,300 $MTCO_2e$ reduction in community-wide GHGs from baseline 2005 levels by 2020. It will require a reduction of 79,780 $MTCO_2e$ from 2020 adjusted BAU forecast levels.

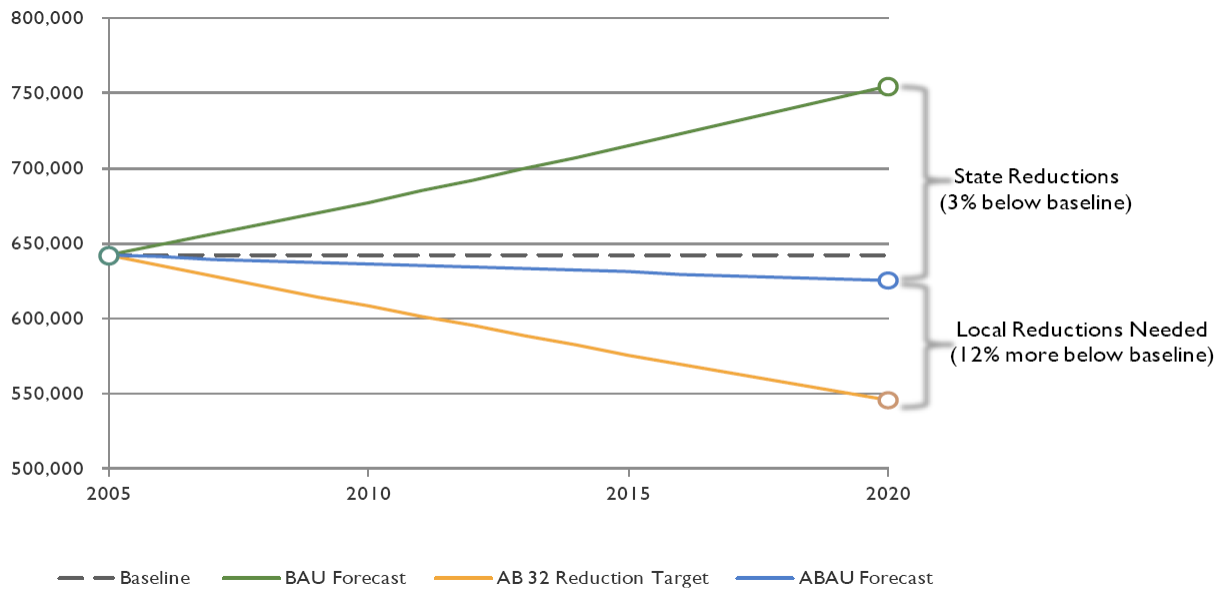
The CAP provides a road map to achieve this target in the context of planned growth and development. The City will close the gap between forecast emissions and the reduction target by implementing measures and actions identified in Chapter 4 of the CAP. **Table 5** and **Figure 2**

identify the 3% reduction from baseline emissions anticipated with implementation of state policies and programs, and the 12% gap that local GHG reduction measures will address to achieve the 15% reduction target.

Table 5:
Greenhouse Gas Emissions Target and Necessary Local Reduction

	2020 $MTCO_2e$
Reduction Target (15% below baseline)	545,740
Adjusted Business-as-Usual Forecast	625,520
Local Reduction Needed to Reach Target	-79,780

Figure 2:
Greenhouse Gas Emissions Target and Necessary Local Reduction



Reduction Measures
Two categories of GHG reduction policies are presented in this CAP: (1) existing activities and (2) CAP measures and actions. Existing activities include projects or programs enacted since the 2005 baseline year, which will result in future GHG reductions and which existed before the creation of this CAP in 2013. Such projects include municipal solar and tree planting efforts, as well as existing requirements for energy efficiency in new development. CAP measures and actions were created for this document through a collaborative planning process. The City will implement these measures and actions through new and existing programs, standards for new development, and programs that improve the efficiency of existing development.

Summary of Reductions
Table 6 summarizes anticipated $MTCO_2e$ reductions in 2020 from existing activities and CAP measures, illustrating how statewide policies in the adjusted BAU forecast and these local

actions will reduce GHGs by 16.2% (87,450 $MTCO_2e$) from baseline 2005 emission levels, exceeding the 15% reduction target by 2020.

Table 6:
Summary of Total Greenhouse Gas Reductions and Progress Toward Target

	2020 $MTCO_2e$
Local Reductions Needed to Achieve 15% Target	-79,780
Reductions Achieved (Existing + CAP Measures)	-87,450
Percentage Below Baseline	-16.2%

Table 7 summarizes how the existing measures, each CAP goal topic, and individual reduction measures contribute to the 87,450 $MTCO_2e$ of GHG reductions in 2020. Energy measures are the largest contributor to GHG reductions, representing nearly half (40,580 $MTCO_2e$, 46%) of the anticipated reductions. Transportation and land use measures comprise 23% (20,170 $MTCO_2e$) of the anticipated reductions. Existing measures are the third largest reduction category, comprising about 15% (13,240 $MTCO_2e$) of the anticipated reductions. Solid waste measures (9,200 $MTCO_2e$, 11%) and off road equipment measures (4,260, 5%) make up the remaining reductions.

Energy

- Goal 1: increase energy efficiency and conservation in the City's existing building stock.
- Goal 2: implement innovative building standards to set the path toward zero net energy in new development.
- Goal 3: maximize the provision of local energy needs from renewable energy use in new and existing uses.
- Goal 4: demonstrate leadership in water conservation.

Transportation and Land Use

- Goal 5: provide an economically sustainable mixed-use community focused on high-density development around central urban plazas and gathering places.
- Goal 6: achieve an efficient transportation system integrated into distinct areas that meets the needs of all users.
- Goal 7: increase use of non-motorized transportation throughout the community.
- Goal 8: increase public transit ridership and ridesharing participation throughout the community.

- Goal 9: ensure an efficient public and private parking system communitywide.
- Goal 10: provide and support expansion of infrastructure for low-emitting and fuel-efficient vehicles.

Solid Waste

- Goal 11: reduce waste generation in the community by 2020.

Off-Road Equipment

- Goal 12: support the expansion and use of clean technology off-road equipment.

Table 7:
Greenhouse Gas Reductions by Goal Topic

Topic	Goals/Category	2020 $MTCO_2e$ by Goal	2020 $MTCO_2e$ by Goal Topic
Existing Activities	Existing Activities	-13,240	-13,240
Energy	Goal 1: Energy Efficiency in Existing Development	-25,240	-40,580
	Goal 2: Energy Efficiency in New Development	-150	
	Goal 3: Renewable Energy	-15,200	
Water	Goal 4: Water Conservation	<-10	<-10
Transportation & Land Use	Goal 5: Mixed-Use Development	Supportive	-20,170
	Goal 6: Transportation-Oriented Development	-12,350	
	Goal 7: Bicycle- and Pedestrian-Oriented Development	Supportive	
	Goal 8: Ridesharing and Transit	-4,230	
	Goal 9: Parking	Supportive	
	Goal 10: Alternative Fuels and Ridesharing	-3,590	
Solid Waste	Goal 11: Solid Waste Diversion	-9,200	-9,200
Off-Road Equipment	Goal 12: Off-Road Equipment	-4,260	-4,260
Total Reductions			-87,450

Reductions since 2005 Baseline
The City of Milpitas has a proven history of developing and implementing GHG reduction activities. Emissions reductions from these activities will take place regardless of the development of the CAP. They are included in this plan because the City has not previously quantified them, and they count toward achievement of the GHG emissions reduction target. These measures also highlight how proposed CAP measures build upon existing efforts.

Existing efforts include "waste reduction", "new multi-family development", "Bikeways Master Plan", "Municipal solar power purchase agreement", "water conservation", "recycled water", and the City's "green building program".

Table 8 summarizes anticipated GHG reductions in 2020 from these existing efforts. Nearly two-thirds of these reductions are attributed to the City's waste reduction efforts (8,740 $MTCO_2e$), and more than a quarter result from the large amount of planned multi-family development (3,440 $MTCO_2e$). The Bikeways Master Plan is expected to reduce GHG emissions by 590 $MTCO_2e$, and the City's solar PPA will reduce emissions by 270 $MTCO_2e$ in 2020.

Table 8:
Greenhouse Gas Reduction Summary for Existing Activities, 2020

	2020 $MTCO_2e$
Waste reduction	-8,740
New multi-family development	-3,440
Bikeways Master Plan	-590
Municipal solar power purchase agreement	-270
Water conservation	-190
Recycled water	-10
Total	-13,240

Implementing the Plan

CEQA Streamlining

For discretionary projects seeking to use CEQA streamlining provisions, the City may require measures in the CAP as mandatory conditions of approval or as mitigation identified in a mitigated negative declaration or in an environmental impact report, as appropriate, on a project-by-project basis. This approach allows the City to ensure that new development can benefit from CEQA streamlining provisions while also ensuring that the City can achieve the reduction targets outlined in this plan.

Monitoring Progress

Implementing the CAP will require City leadership to execute these measures and report on their progress. This CAP identifies the responsible department for each measure and offers time frames for implementing each strategy. Lastly, successful implementation requires regular reporting. Staff will monitor progress toward implementing the CAP on an annual basis and report progress to the City Council each year. Developing an implementation and monitoring tool will assist the City to track progress.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan
An amendment to the General Plan is proposed and will include reference to the reduction target and the CAP. However, there are limitations on the amount of times a General Plan can be amended in a calendar year, staff proposes delaying the amendment until it can be coupled with another pending General Plan amendment project (June 2013). This will not delay the effectiveness of the CAP.

ENVIRONMENTAL REVIEW
The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project will not have a significant impact on the environment and therefore a Negative Declaration is prepared. An Initial Study and Negative Declaration was drafted and circulated between February 28 and March 19, 2013.

PUBLIC COMMENT/OUTREACH
Workshop
The City held a public workshop on August 24, 2011 to describe the project and obtain comments from those interested. Comments were integrated into the public draft released on March 1, 2013.

Stakeholder Consultation
Planning staff and consultant met with representatives from the local Sierra Club chapter and the governmental affairs personnel from the Building Industry Association on March 6, 2013 to describe the CAP and receive comment. As a result of comments, a study session with the Planning Commission was scheduled for March 20, 2013.

Planning Commission Work Session
A work session was held on March 20, 2013 and resulted in a presentation to the Planning Commission regarding the Draft CAP. Comments were received from the public and the commission regarding the policies of the CAP. The minutes for the meeting are attached to this report.

Upcoming Public Hearings
It is expected that the City Council will evaluate the project on May 7, 2013.

CONCLUSION
The proposed CAP is a result of collaboration of multiple stakeholders and city departments under the guidance of expert consultants that drafted a document which is consistent with the framework established by state law. The CAP will allow the streamlining of discretionary projects subject to CEQA and creates quantifiable goals.

RECOMMENDATION
STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 13-014 recommending approval of the project to the City Council.

Attachments:

A. Resolution No. 13-014
B. Project Initial Study/Negative Declaration
C. Draft Climate Action Plan
D. Work Session meeting minutes (March 20, 2013)

APPROVED

SPECIAL PLANNING COMMISSION MINUTES
March 20, 2013

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Sudhir Mandal, Larry Ciardella, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin, and Gurdev Sandhu

Absent:

Staff: Ah Sing, Hom, McHarris and DeHerrera

Alternate Commissioner: Demetress Morris

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Rob Means, Milpitas resident – The Sunnyhills Neighborhood Association (SNA) is working to create an automated transit feeder (personal rapid transit system) from their neighborhood to the future BART station. This type of transit system could help curb car usage within the city. The SNA is asking for the City's assistance and they would like to work with the City to secure the needed funding.

IV. APPROVAL OF MINUTES

Chair Mandal called for approval of the February 27, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Sandhu / Madnawat

AYES: 6

NOES: 0

ABSENT: 1 (Ciardella)

ABSTAIN: 0

V. ANNOUNCEMENTS

Steven McHarris, Planning Director – Staff wanted to remind the commissioners: 1) The 2013 Commissioner's Recognition luncheon will be held Saturday, April 13, 2013 at the Milpitas Community Center. RSVP is due by April 5, 2013. 2) There is an opportunity for commissioner training to be held locally and at no cost. This is a four part series to commence this Saturday, March 23, 2013 and would be very beneficial for all commissioners. Reservations are needed.

Vice-Chair Ciardella – The League of California Cities put on an excellent training program and is worth attending. Vice-Chair also shared a letter from the Leukemia & Lymphoma Society asking for any support towards further research to help end blood cancers. The website for donations is mwoy.org

VI. CONFLICT OF

Steven McHarris, Planning Director, asked if any member of the Commission has any

INTEREST

personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the March 20, 2013 agenda as submitted.

M/S Ciardella / Mohsin

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

VIII. CONSENT CALENDAR

Consent calendar items are considered to be routine and may be approved in one motion at the discretion of the Chair. **For public hearing items, prior to actual Commission consideration, the Chair may open the public hearing and ask if anyone present wishes to discuss any consent calendar items. There will be no discussion of consent calendar items unless a member of the audience or the Commission asks to have the item removed from the consent calendar.** Persons who want to speak on any item on the consent calendar should come forward now and ask to have that item removed from the consent calendar. **Any items removed will be discussed in the order arranged by the Chair**

VIII-1

SITE DEVELOPMENT PERMIT SD13-0004

A request to install 8-foot tall perimeter fencing for an industrial building located at 1656 McCarthy Blvd. (APN 86-03-064), zoned Industrial Park with Site and Architectural Overlay. Applicant: Terry Stanley.

(Recommendation – Adopt Resolution No. 13-007 approving the project with conditions)

Cindy Hom, Assistant Planner, confirmed that the Fire Department did review the project and approved it. The Police Department also reviewed the plans and they do have access in case of an emergency. There are other sites within the city that also have similar type of security fencing.

VIII-2

SITE DEVELOPMENT PERMIT AMENDMENT NO. SA12-0009

A request to amend an existing sign program to allow for an additional sign location and increase in the letter height on secondary signs for the Hillview Professional Business Park Center located at 890 Hillview Court (APN 28-26-004), zoned Town Center with Site and Architectural Overlay (TC-S). Applicant Joe DiChoso.

(Recommendation – Adopt Resolution No. 13-008 approving the project with conditions)

Motion: Approve the two items on the consent calendar as presented with

conditions of approval – Resolution Nos. 13-007 and 13-008.

M/S: Madnawat / Barbadillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

IX. PUBLIC HEARING **There were no public hearing items on the agenda**

X. UNFINISHED BUSINESS

Sheldon Ah Sing, Senior Planner. Tonight's presentation is a study session for the proposed Climate Action Plan**.** The Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy [known here foreword as the Milpitas Climate Action Plan (CAP) establishes strategies for reducing municipal and community-wide greenhouse gas (GHG) emissions. The CAP is a proactive strategy document that enables the City to maintain local control of implementing State direction (AB 32 – the California Global Warming Solutions Act) to reduce GHG emissions to 1990 levels by 2020. Proposed GHG reduction strategies align with existing General Plan policies.

Some benefits of the Climate Action Plan are: One stop for CHG analysis and mitigation under CEQA; Transparency in the review process; Outlines appropriate measures for new projects; identification of preferred GHG mitigation strategies; streamlined CEQA review for projects consistent with CAP.

The project was launched in 2011 and the City was awarded a grant from VTA to defray 60% of the cost and 40% is from RDA money. There has been public outreach with on-going consultation with the Bay Area Air Quality Management District (BAAQMD). BAAQMD established thresholds: to reduce emissions to 1990 levels by 2020; or reduce emissions 15% below baseline (2008 or earlier) emissions levels; or to meet plan efficiency threshold of 6.6 MTCO2e per service population or 4.6 MTCO2e per service population for land use projects. Milpitas' target is to use the 15% below 2005 baseline.

Reduction summary -- is to set a target greater than the 15% baseline, with a proposed target of 16.2%. Goals are to continue reduction of existing activities along with those new measures set by the CAP. This will require some changes to city municipal code. In accordance with CEQA, the CAP will not have a significant impact on the environment. Staff will provide annual reports to the Council and continue to monitor if we are on track to meet our goals.

Recommendation: Seek comments from the public and direction from the Commission

Commissioners' Comments:

- Encourage the use of energy-efficient appliances and planting deciduous trees.

- Provide continuous outreach to the public.
- For a larger reduction impact, encourage replacement of furnaces and A/C units in older residential homes.
- Look into working with PG&E to offer rebates where possible.
- Encourage contractors to build in solar energy facilities for new homes
- Offer discount on permitting costs to builders for using certain environmental friendly materials.
- Possibly provide some incentive to builders to defray costs to provide more expensive materials.
- Maybe our Parks Commission could encourage the homeowners associations or other groups in Milpitas to promote greener environments by planting more trees and landscaping.
- The cost of solar panels has gone down per watt; however, the permit cost and installation cost is still very high. This does not encourage residents to want to make a change. We should work together to reduce costs.
- If the City provides more bike lanes it will encourage less use of vehicles and reduce the CO2.
- Encourage gas stations to set up recharging stations or establish locations within the city for recharging to encourage people to purchase electric cars. The lack of locations to recharge makes it difficult for people with electric vehicles.
- We need to look for ways to be more aggressive in order to surpass our reduction goal.
- In Taiwan they use small solar rooftop water heater tanks that are inexpensive. This could be something to look into to replace what is used here.
- Is it possible to look into roof-top wind turbines for residential?

Public Comments:

Priscilla Sedman, Milpitas Resident – Supports the CAP and had comments on following: Measure 6.1 (Transit density) - The VTA ECO Pass is good for residents in high-density development. For Measure 11.1 – (Waste Diversion) –Community gardens are beneficial for residents as well as having more open space. Regarding sustainability, it would be good to establish a sustainability commission. Regarding retrofit – look at some non-profit organizations that promote energy conservation and reduction.

Rob Means, Milpitas Resident – Mr. Means complimented staff on putting together the CAP and for the Commission addressing many pertinent issues. It is important to continually monitor things and make adjustments. By 2020 we need to be down by 15% below baseline; then 15 years later we will be required to be down another 35% below baseline level – so we will need to be very aggressive. By exploring the Automated Transit Network feeder system proposed by the Sierra Club, there is a potential to reduce emissions by about 29,000 metric tons.

In Europe they have been able to reduce their CO2 by half of what we are doing. In Asia they are growing rapidly and are pursuing other technology areas as solar thermal, wind installations and conversion to electric vehicles. In California, our emissions are

causing billions in financial loss to farmers.

Carol Kline, Milpitas Resident – Mentioned that in Japan they built a bank of small wind turbines to create a wall that was unobtrusive. The CAP presented is a good start and we need to continue our efforts.

Eddie Tun, Milpitas Resident – Thanked the Commission for considering the CAP and encouraged the Commission to push beyond the 15% target.

Liz Ainsworth, Milpitas Resident – Questioned how there can actually be a reduction in emissions when we are building more residential which brings more people and cars into the city that creates traffic pollution. Also, where is the collaboration with the transit organization that created the new toll lane? She sees a reduction of businesses within our city, thus forcing residents to travel outside for services. How can we encourage people to live and shop within the city? By addressing these issues the CAP could be a more comprehensive plan.

Sheldon Ah Sing – Staff will look into the various possibilities and review the comments provided.

XI. ADJOURNMENT

The meeting was adjourned at 8:20 pm to the next meeting of March 27, 2013.

Motion to adjourn
M/S: Madnawat / Barbadillo

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

Wednesday, April 10, 2013
6:30 pm

I. ROLL CALL

Present: John Luk and Garry Barbadillo
Staff: Tiffany Brown, Diana Pancholi and Joann DeHerrera

1. PUBLIC HEARING

Minor Site Development Permit No. MS13-0009

a. Tiffany Brown, Assistant Planner, presented a request to hold a one-day special event in celebration of the National Day of Prayer on May 2, 2013, between the hours of 7:00 - 9:00 pm at the Milpitas Sports Center Football Stadium at 1325 E Calaveras Blvd. Applicant: Daniel J. Griffiths.

(Staff Recommendation: Approve permit number MS13-0009 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

Minor Site Development Permit No. MS13-0013

b. Diana Pancholi, Project Planner, presented a request to construct a new 1,179 sq.ft storage enclosure at 275 S. Hillview Drive. The purpose of the proposed structure is to facilitate the use of the existing FAB building as an HCL & N20 bulk dispensing bunker. Applicant: Enrique Aceves, Linear Technology

(Staff Recommendation: Approve permit number MS13-0013 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:37 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES
Wednesday, April 10, 2013

I. PLEDGE OF ALLEGIANCE

Vice-Chair Ciardella called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Larry Ciardella, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin and Demetress Morris

Absent: Sudhir Mandal and Gurdev Sandhu

Staff: Ah Sing, Brown, Erickson, McHarris, and DeHerrera

Alternate Commissioner: Commissioner Morris was seated as a member of the voting body.

III. PUBLIC FORUM

Vice-Chair Ciardella invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Robert Marini, Milpitas resident, would like to ask the Commission to have the City install a sidewalk connection from Calaveras Blvd. on the west side of Abel Street The lack of sidewalk requires a pedestrian to cross the street go up a few blocks and then cross back to the street to where the sidewalk begins. This will create a direct path on the west side of Abel Street.

Rob Means, Milpitas resident, shared information from article in Scientific America regarding climate change indicating that pollution and rise in temperature rates have been underestimated. Mr. Means feels that the City of Milpitas needs to accelerate our response to this issue.

IV. APPROVAL OF MINUTES

Vice-Chair Ciardella called for approval of the March 27, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Mohsin / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

V. ANNOUNCEMENTS

Steven McHarris, Planning Director, reminded the commissioners about the

Commissioner's Recognition Luncheon to be held this Saturday, 4/13/13, 12:00 noon at the Milpitas Community Center. Planning Director McHarris mentioned that staff enrolled the commissioners as members of the American Planning Association. Commissioners will start receiving quarterly newsletters and will be informed of APA events and training opportunities.

Vice-Chair Ciardella announced an upcoming Affordable Housing Tour in Milpitas sponsored by Silicon Valley Leadership Group, on Saturday, May 18, 2013, and encouraged commissioners to attend. The Leukemia & Lymphoma Society is holding a car wash in the Safeway parking lot from 10am to 5pm this Saturday, 4/13/13. The Spring Valley Volunteer Fire Department will hold an event, "Champions of Hope", at 8:00 pm, Saturday, 4/13/13. The proceeds from these two events will benefit cancer research.

VI. CONFLICT OF INTEREST

City Attorney, Mike Ogaz, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Vice-Chair Ciardella asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the April 10, 2013 agenda as submitted.

M/S:	Madnawat / Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

VIII. CONSENT CALENDAR

There were no items on the consent calendar

IX. PUBLIC HEARING

IX-1

ZONING TEXT AMENDMENT NO. ZA13-0002

Tiffany Brown, Assistant Planner, presented a request to amend the text within the Zoning Ordinance to incorporate Live-Work units as a conditionally permitted use within the Town Center Zoning District, introduce Live-work specifications under Section 13 for special uses, and further define Live-work units in Section 2 for definitions. Applicant: Doyle Heaton, DRG Builders Inc.

At the Planning Commission meeting of March 27, 2013, the Commission recommended approval of a project with four live-work units, contingent upon preparation of a zoning text amendment to accompany the project for City Council consideration. Ms. Brown reviewed site development criteria for neighboring cities that incorporate live-work units and further discussed what may be appropriate for the City of Milpitas

The current definition of live-work unit was described as: "Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant." Ms.

Brown proposed to define the live-work unit as follows: "Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be owned and occupied by the same tenant. Live-work uses would allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations." The Special Use Section further defines the purpose and intents, applicability, review requirements, permitted and prohibited uses and minimum performance standards.

Ms. Brown reviewed The Economic Development Commission's (EDC) comments on Section 10-13.12 (D): minimum performance standards #2 and #12. Standard #2 – The EDC did not want to limit the business to one business per space. Staff checked with other City departments and all agree there is no adverse impact to allow more than one business to a unit, and staff recommends deleting the standard. Standard #12 – The EDC felt use limitations may be too restrictive. Staff worked with the Fire Department to ensure safety within a live-work location and changed this standard.
If the Commission recommends approval of the Zoning Text Amendment, this item will go to the City Council on May 7, 2013, concurrently with the 375 Los Coches residential project.

Recommendation – Adopt Resolution No. 13-015 recommending approval by the City Council, along with the EDC recommended changes.

Commissioner Madnawat – Asked the City Attorney for clarification of the wording in Section 5 – "live-work units allow one non-residential employee". Does it mean a business can only have one employee; or if a business has more than one employee, but that at any given time, only one employee can occupy the work space? Also, why is there the restriction for only one non-residential employee in the unit?

Mike Ogaz, City Attorney – Indicated that the provision limits one non-residential employee and one employee could occupy and conduct business in the unit. An employee who incidentally drops by would probably not be considered an employee within the space. This would be based upon the circumstances.

Tiffany Brown, Planner – Stated that the intent of the use was so that the owner is the business operator. The size of the space is limited which affects the parking requirements.

Commissioner Madnawat – In the same section defining live-work unit states the live-work unit must be "owned and occupied" by the same tenant What is the reason for this requirement and what was it based on?

Tiffany Brown, Planner – Indicated the wording was based on discussion by staff, examples from other cities, and defining the intent of live-work.

Commissioner Barbadillo – On 3/27/13, the Planning Commission approved the housing proposal and at that meeting the issue of live-work concept was approved. Now there is a proposed amendment to the existing zoning text. Shouldn't defining the ordinance be done first then the application to a project? It seems that staff is trying to fit a zoning ordinance to a specific project and that by doing it this way, hopefully it does not open the way for future projects to be handled this way.
Steven McHarris, Planning Director – Stated that the proposed zoning amendment would normally be completed prior to considering a live-work project. However, changes to the Los Coches project required the proposed zoning amendment at this time. The Commission placed a condition of approval to prepare such zoning amendment in

order to be able recommend the complete project to the City Council.

However, staff is presenting the zoning amendment which would apply to the entire Town Center zone. The existing zoning text was insufficient for live-work projects. This amendment will allow future live-work projects to be processed more efficiently. This live-work amendment would apply city-wide to any zoning district where a live-work could be permitted or conditionally permitted.

Public hearing

Ed McGovern, representing Doyle Heaton. The applicant is in support of this resolution and wants to accommodate staff's concerns and recommended changes to the project.

Carol Kassab, Milpitas Chamber of Commerce – Asked for clarification on Section 6-D, Minimum Performance Standards #3 and #4. Standard #3 states the commercial component as designated on the floor plan and approved through the conditional use permit cannot be converted to residential. Standard #4 states a residential use cannot be converted to commercial. As an owner, would I be precluded from selling the live-work unit to someone who wanted it strictly for residential?

Steven McHarris, Planning Director – Stated that the unit would need to remain as "Live-Work" and could not be converted to only residential use. The new owner may elect to keep the work area vacant.

Motion to close the public hearing.

M/S:	Madnawat/Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

Commissioner Madnawat – Expressed several concerns: 1) The description of a live-work unit only allows one residential employee, which staff stated would apply to live-work units city-wide. If a larger live-work unit was constructed someplace else within the city, would an owner be restricted to one residential employee? 2) The wording "owned and" greatly limits marketability of the unit. Only another small business who wanted to both live and operate their business in the unit would be interested in buying it. What benefit is there for this restriction? Should the unit be foreclosed on, then the owner "now the bank" would not be living there. Commissioner Madnawat would like to eliminate this wording "owned and" from the live-work definition to allow a different ownership from the occupant.

Commissioner Mohsin – All the possible live/work alternatives need to be analyzed. Otherwise, an owner would be severely limited.

Mike Ogaz, City Attorney – Mr. Ogaz then clarified that the current language does in fact restrict the unit in that the owner needs to occupy the unit and also use the commercial component. There is some merit to leave the wording as originally written; however, it would also be OK with Commissioner Madnawat's recommendation.

Steven McHarris, Planning Director –When staff analyzed the use, staff also considered the required the parking. As an owner and resident of a live-work unit, the resident, who would operate the business, would not impact the parking count if they did not lease the commercial component. Mr. McHarris agreed with Commissioner Madnawat's concerns about omitting "owned and" from the definition.

Commissioner Luk – Indicated that if other cities have the restriction that live-work units need to be owned and occupied by the same person, then he agrees with the current wording.

Tiffany Brown, Planner – Emphasized that the list of definitions in the zoning ordinance is a list that applies to the entire zoning ordinance. The zoning text amendment for the special uses for live-work only applies to those zones that conditionally allow live-work units. Current zones that conditionally allow for live-work are R3, R4 and R5, which are high-density zones, and if this project is approved, it would also apply to Town Center.

Commissioner Barbadillo – Asked if this ordinance passes with staff's recommendation, wouldn't it a violation of property rights?

Mike Ogaz, City Attorney – Indicated that all land use restrictions impose restrictions on use of property. But that the use restrictions need to be reasonable and not be so restrictive to constitute a "taking".

Commissioner Madnawat – Inquired how he could word an amendment to the resolution that instead of restricting the number of non-resident employees in a live-work unit to one, that the number of non-resident employees is based on the square footage work space of the unit, assuming that larger units could be constructed elsewhere in the city.

Mike Ogaz, City Attorney – Stated that this type of amendment would be difficult to prepare at this time. Staff would need to bring this back to the commission after further review.

Motion to adopt *Resolution No. 13-015, recommending approval to the City Council as amended, with the exception to remove the term "owned and" from the live-work definition in Section 5.*

M/S:	Madnawat / Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

IX-2

GENERAL PLAN AMENDMENT NO. GP13-0002: CLIMATE ACTION PLAN

Sheldon Ah Sing, Senior Planner provided a review and updates to the Climate Action Plan (CAP) that was presented during a study session at the March 20, 2013 Planning Commission meeting. The CAP is a result of collaboration of multiple stakeholders and is consistent with the emissions reduction framework established by State law and BAAQMD. It will allow for streamlining of discretionary projects subject to CEQA to create quantifiable GHG emissions reduction goals.

Climate Action Plan benefits are: One stop for GHG analysis and mitigation under CEQA; provides transparency in the review process; outlines appropriate measures for new projects; identifies preferred localized GHG mitigation strategies; streamlines CEQA review for projects consistent with this CAP.

Reduction summary: Mandated target is 15% below the baseline, with our actual target of 16.2%. Local reduction need is 80,000 MTCO2e. Reductions achieved (existing & CAP measures) – 87,450 MTCO2e. Goals are to continue reduction of existing activities along with those new measures set by the CAP. There has been public outreach with comments from VTA, Sierra Club and Bay Area Management District. Staff will provide annual reports to the Council and Planning Commission and will continue to have dialogue with the stakeholders. No other changes are planned at this time. The project is consistent with the General Plan. An amendment is proposed to integrate the reduction target into the General Plan. A negative declaration was circulated and staff received no comments.

Recommendation – Adopt Resolution No. 13-014 recommending approval of the project as amended to the City Council.

Commissioner Madnawat – Asked how is the volume of gas emissions quantified from the cars that pass through Milpitas? How will the City enforce emission reduction for vehicles that come here from other cities?

Jeff Henderson, PMC consultant – The traffic that is included in the emissions inventory is based on the City of Milpitas' traffic model and the land use forecast embedded is in the General Plan and based on the General Plan. Trips that begin or end within Milpitas are part of the calculation. Pass-through trips that begin and end outside of Milpitas are excluded from the calculation. Trips that are shared by another jurisdiction split the calculation. The length of travel and speed of travel and type of vehicles are equated for different vehicle types. The reduction is achieved through State programs that set the emission regulations and compliance.

Motion to open the public hearing

M/S: Morris / Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Rob Means, Milpitas resident – Shared his thoughts about the CAP and three highest priorities for change that stood out: 1) Distributed renewable energy generation to get off carbon-based fuel; 2) A sustainability manager to monitor the CAP; 3) Potential of automated transit network technology. He encouraged the Commission to emphasize these three areas.

Marco Goithia, Student at SUSU and Sierra Club member – Commented on pages 4-5 of the staff memorandum citing an amendment to measure 10.5 gas tax, and questioned why it was deleted. It was a good way to produce public awareness and directly impacting people on the affects of green house gases.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Motion to adopt Resolution No. 13-014 recommending approval of the project to the City Council

M/S: Madnawat / Morris

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

IX-3

GENERAL PLAN AMENDMENT NO. GP12-0002, SPECIFIC PLAN AMENDENT NO. ST12-0002, ZONING AMENDMENT NO. ZA12-0003, PLANNED UNIT DEVELOPMENT NO. PD12-0002, MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0001 & CONDITIONAL USE PERMIT NO. UP12-0010: PRESTON PROPERTIES RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to change the General Plan, Specific Plan and Zoning land use designation from Heavy Industrial (M2) to High Density Multi-family Residential (R3) with Planned Unit Development. The project is a re-zone of 16.6 acres. The applicant proposes 213 dwelling units (95 detached and 118 multi-family homes) with on- and off-site improvements. A Draft Environmental Impact Report (EIR) has been circulated for the project located at 133, 225, 227-261 Bothelo Lane. Applicant: KB Home.

Mr. Ah Sing presented the project overview as being submitted on October, 2011; and in December 2011, the applicant initiated the EIR. The last submittal was in May 2012, the draft EIR was circulated between November and December 2012. The project deficiencies were reviewed as follows: The Union Pacific authority supersedes the City's which does not allow the City to rectify any complaints; the adjacency to the freight yard and rail yard operations and activities; the lack of connectivity to the greater Milpitas community and connection to Main Street per the Midtown Specific Plan; and difficulty making the required findings for entitlements.

Mr. Ah Sing stated that the project is inconsistent with the General Plan, Mid-Pacific Plan, surrounding areas and general welfare concerns. The draft EIR contains errors regarding circulation, land use and hazardous materials. The closest railroad track is 50 feet away, and hazardous materials are stored and transported on the rail road property without any input from the City because Union Pacific operates under the authority of the federal government. Union Pacific has communicated that they will expand the freight yard area operations with taller, more luminous lighting, which facilitates their night-time operation.

Comments have been received on the proposed project from the Regional Water Quality Board, the School District and Santa Clara Valley VTA; the school district opposes this project. The City has learned from the Parc Metro project that was built close to the railroad tracks at Curtis Street, resulting in railroad operation related resident complaints. Staff recommends the Planning Commission recommend the City Council deny the proposed project based primarily on the site location being surrounded by each of the identified incompatible land uses and operations.

(Recommendation – Adopt Resolution No. 13-013 recommending denial of the project

to the City Council)

Ray Panek, Sr Vice-President for KB Home-Forward Planning, San Ramon –. Stated that the draft EIR is a KB Home initiated report, but under CEQA, the City is the responsible agency for the report. Any discussion with the EIR consult has been through City staff. The draft EIR did not identify any environmental impacts that could not be mitigated to a level of insignificance. **Mr. Panek** referred to land use statements in the draft EIR pages 3.8-11 through 3.8-29, "Analyses of the City's EIR preparer finds the proposed project consistent with General Plan policies and they are consistent with those policies either as the project is proposed or with mitigation."

Mr. Panek commented that the draft EIR identified consistency with the goals, objectives and policies of the Mid-Town Specific Plan. He stated that the multi-family high-density residential and architectural overlay, R3 standards, parks and public open space development standards and parking standards required no mitigation, and that there are no cumulative impacts generated by the project, and it is not considered growth-inducing. There was a review of the Carlos Street extension in which the draft EIR did not identify significant project impacts. **Mr. Panek** mentioned the recently-approved Braddock and Logan project is located in close proximity to railroad tracks and questioned the distinction with their project.

Mr. Panek provided his recommendation to the Planning Commission as follows: continue the public hearing and direct staff to complete the CEQA process by preparing the final EIR; direct staff to accept the updated Vesting Tentative Map (VTM); and bring the final EIR and the updated project application and VTM to the Planning Commission for recommendation to the City Council for approval.

Arminta Jensen, representing Ruggeri-Jensen-Azar, in Gilroy – Gave an overview of the project with the different amenities. The project consists of 213 units with parking, a paseo, and three open spaces. There is a proposed 2-way bike path along Ford Creek and a walkway through the project that connects the path to the public trail. All units will have two-car garages with 99 additional parking spaces in addition to the required parking for the site. The detached homes have a shared side yard with a sound wall. The HOA will manage the waste collection from the houses to be picked up in one location.

There would be two vehicular accesses into the site – from Railroad Avenue and Hammond Way with access gates. Access has been reviewed by the Fire Department. Ms. Jensen also discussed the off-site pedestrian and bicycle circulation and connectivity to with new sidewalks. Ms. Jensen quoted from the draft EIR, page 3.10-11 – 12 regarding emergency response to the site stating that access would meet the required response time.

Motion to open the public hearing

M/S:	Mohsin / Luk
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

Henry Santos, Lester Lane, Los Gatos – Mr. Santos owns property near this location and expressed several concerns about approving the project. It will cause more traffic congestion and more demand on the already low water supply. He also feels that the project should not be allowed to use Sinnot Lane. Mr. Santos stated that he and other property owners contributed 25 ft of their land in order to get this lane built. He also mentioned that on his property he use to dig down two or three feet and would see water come up in the winter.

Rob Means, Milpitas Resident – The proposed project would be adjacent to the new BART lines that will be running about every six minutes once it is fully operational. Trains are required to blow their horn at street crossings, which will be excessively noisy for residents. There are complaints from residents who live in the Parc Metro area about the noise from trains. This project site is less than 18 ft above sea level; and in the long term, property will be impacted by sea level rise due to global warming. Mr. Means feels the Commission owes it to future homeowners to approve good places for Milpitas residents to live.

Nastasia Hammer, Milpitas resident – Agrees that the proposed project should not be built. It is too close to the rail road operations and we need more recreational sites, open space and not more high-density homes. The housing will adversely affect the schools.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Commissioner Madnawat – Inquired if Railroad Avenue would be able to handle the traffic. Staff stated yes, it would be able to handle the traffic.

Brian Sturdivant, City of Milpitas Fire Chief – The Fire Department's concern revolves around the activity at the rail yard rather than the response time. There had been two minor Hazmat releases in 2007 and 2009, and the risk still remains. There are two high-pressure pipelines, a jet fuel line and PG&E gas lines that run through the area. Fire Prevention staff conducted a simulated time stamp into the proposed project site. As stated in the EIR, access meets the four (4) minute response time.

Albert Zamora, City of Milpitas Fire Marshal – The City does not have control over the railroad operations or identification of hazardous materials on-site or passing through. There are two companies that currently use the rail to transport toxic chemicals and gases which will pass through this area.

Motion to table the matter to a later time and continue to work with staff.

M/S: Morris / Mohsin

AYES: 2 (Morris, Mohsin)

NOES: 3 (Barbadillo, Ciardella and Madnawat)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

Commissioner Madnawat – Stated that the difference about this site compared to other housing projects in this area is that it is surrounded on all sides by unfavorable uses. Having housing in this location would not provide the quality of life that we, as a city, should be providing to people coming to live here. People would not find this site desirable. **Commissioner Madnawat** proceeded to make a counter motion:

Motion to adopt Resolution No. 13-013 recommending denial of the project to the City Council

M/S: Madnawat / Barbadillo

AYES: 3 (Barbadillo, Ciardella and Madnawat)

NOES: 2 (Morris, Mohsin)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

X. NEW BUSINESS

X-1

PRESENTATION OF THE PROPOSED 2013-18 CAPITAL IMPROVEMENT PROGRAM (CIP):

Steve Erickson, City of Milpitas Capital Improvement Program Manager - Provided an overview of the Proposed 2013-18 Capital Improvement (CIP) Annual Report. He reviewed the purpose of the CIP, highlighted accomplishments of last year, proposed projects for the next five years, summary of projects and staff recommendation.

The purpose is to have a finding that the 5-year CIP is in conformance with the City's General Plan and recommend adoption by the City Council. Last year's accomplishments within budget and on time were: Exterior improvements to Fire Station #1; upgraded audio visual equipment at City Hall; completed Alviso Adobe park renovations; S. Milpitas Blvd. pavement overlay; Cape Seal resurfacing project in the NE area of Milpitas; pedestrian and bicycle enhancement along Escuela Parkway; Abel Street transit connection improvement; completed emergency project for the Ayer Water pump station; installed a solar photovoltaic system at the Main Sewer Pump Station, at the Milpitas Sports Center and at the Gibraltar Pump Station.

The next five-year proposed funding summary: Community improvements: City building facilities, the Milpitas Sports Center, Police/Public Works building – repair & replace aging generator transfer switch and building improvements. Park projects: Pinewood Park renovation, Higuera Adobe Park renovation, City parks irrigation system repair and improvements. Street projects: Planned is a 2013 – 2014 pavement resurfacing program, street landscape irrigation improvement, and McCarthy Ranch landscape and lighting district improvement project from 237 to Dixon Landing Rd. Utilities (water, sewer and storm) projects: Dempsey Rd waterline replacement project, Cathodic protection improvement to the Tularcitos and Minnis water tanks, and in the Sunnyhills area a pressure release valve project.

(Recommendation: Find the Proposed 2013-18 in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council).

Motion to open the public hearing

M/S: Morris / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Rob Means, Milpitas Resident – One of the projects in the CIP is the crossing of the railroad tracks to connect Yosemite and Curtis**.** When the project was first talked about years ago the price to construct the crossing was about $3 million; and now the projected cost has greatly increased. Mr. Means feels that the cost could be much less by using new alternative transportation technology like PRT. He would like the Commission to recommend to City Council to focus on this project; and rather than waiting five years, get started earlier by moving the EIR into the current fiscal year.

Vice-Chair Ciardella – Asked staff if the City could get in contact with local landscape design schools to see if they would be interested in a contest to design the Main Street city park or to provide ideas / conceptual design and a licensed professional could review the design.

Kathleen Phalen, Acting Public Works Director – Indicated that generally the City contracts with licensed professions who have errors and omissions insurance to prepare designs to meet plans specifications. The idea about using a design school for conceptual design could be a possibility.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Motion: Find the Proposed 2013-18 Capital Improvement Program in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council.

M/S: Mohsin / Morris

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

XI. ADJOURNMENT The meeting was adjourned at 9:30 pm to the next meeting of April 24, 2013.

Motion to adjourn
M/S: Madnawat / Luk

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ALAMEDA COUNTY
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Scott Haggerty
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MARIN COUNTY
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Carol Klatt

SANTA CLARA COUNTY
Ash Kalra
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Liz Kniss
Jan Pepper
Ken Yeager

SOLANO COUNY
James Spering

SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

2-F

April 9, 2013

Mr. Sheldon S. Ah Sing
Senior Planner
City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 94553

Subject: City of Milpitas Draft Climate Action Plan

Dear Mr. Ah Sing,

Bay Area Air Quality Management District (District) staff has reviewed the City's Draft Climate Action Plan (Plan). We understand that the City's intentions in developing the Plan are to reduce greenhouse gas (GHG) emissions throughout the City and to streamline CEQA review of new land use projects.

The District applauds the City's initiative in addressing GHG emissions and supports its efforts in developing the Plan. The District has the following specific comments on the Plan.

According to the District's *GHG Plan Level Guidance*, the emissions inventory and business-as-usual forecast should be modified to include direct emissions associated with wastewater treatment. If multiple jurisdictions are serviced by the wastewater treatment facility, emissions from the facility should be apportioned by population, according to Milpitas' proportion of the facility's service area. By including these emissions in the inventory and forecast, the City can take credit for any emission reductions from wastewater treatment due to its GHG reduction measures.

In addition, we encourage the City to consider including emissions from the Newby Island Resource Recovery Park landfill in the GHG inventory, to the extent that the City can influence the methane capture rate at the facility. While the facility is privately owned and operated, the City may be able to influence the methane capture rate through its contracting and/or permitting requirements with the landfill owner. By including the landfill in the GHG inventory and forecast, any increase in the methane capture rate at the landfill can be included as a GHG reduction measure and counted toward meeting the Plan's GHG reduction target. See the Contra Costa County Climate Action Plan for an example of how privately owned and operated landfills have been included in a local climate action plan in this manner.

In order to meet California's GHG reduction goals for AB 32 and, more importantly, for Executive Order S-3-05 (an 80% reduction below 1990 levels by 2050), California will need to achieve significant emission reductions, from new development as well as from the built community. The draft Plan states that Milpitas is a high-growth community, and so includes many mandatory measures

aimed at reducing GHG emissions from new development. The District supports this approach. However, relying on new development to achieve the bulk of emission reductions will likely not be enough to achieve these aggressive targets. Therefore, we have identified additional feasible measures that have proven effective at reducing GHG emissions in other jurisdictions that have not been included in the Plan. The District recommends that the Plan strengthen its GHG reduction approach in the following ways:

- Expand the City's Green Building Program (Measures 1.1 and 2.1) to require energy efficiency standards beyond Title 24 for all residential and commercial construction and remodels.

- Add a time of sale energy efficiency upgrade requirement to residential and commercial buildings, such as a residential/commercial energy conservation ordinance (RECO/CECO).

- Expand Measure 1.5: Urban Cooling to require cool paving strategies in re-paving projects as well as new development.

- Expand Measure 8.1: Transportation Demand Management to include details on the Transportation Demand Management (TDM) Ordinance, such as requiring employers of 50 or more employees to offer TDM programs to their employees. The TDM programs should include strategies such as allowing employers to exclude from taxable wages the commuting costs of transit, vanpools or cycling; employer-paid subsidies for commuting by transit or vanpool; employer-provided bus, shuttle or vanpool service; or other programs such as telecommuting, rideshare matching, etc. These strategies would complement the District's upcoming region-wide commuter benefits program authorized by Senate Bill 1339.

We commend the City for its efforts to address the critical issue of climate change through local action. By addressing the issues in this letter, the Plan will better reflect the District's own guidance on the development of climate action plans. In doing so, District staff believes that the Plan would be more likely to achieve its GHG reduction target and the City would be in a better position to use the Plan as a tierable document under CEQA.

District staff is available to assist the City in addressing these comments. If you have any questions, please contact Abby Young, Principal Environmental Planner, at (415) 749-4754.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Chair Ash Kalra
BAAQMD Director Liz Kniss
BAAQMD Director Jan Pepper
BAAQMD Director Ken Yeager

Sierra Club Loma Prieta Chapter

Celebrating 80 years of protecting the planet

3921 East Bayshore Road, Suite 204, Palo Alto, CA 94303 | loma.prieta.chapter@sierraclub.org
TELEPHONE: (650) 390-8411 | FAX: (650) 390-8497

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

Re: Comments on the <u>Draft Climate Action Plan (CAP)</u> for Milpitas

Honorable Mayor and City Council, Planning Commission, and Mr. Sheldon Ah Sing,

The Sierra Club Loma Prieta Chapter appreciates the substantial effort and clear purpose evident in the proposed Climate Action Plan (CAP). Given our present circumstances – global warming accelerating faster than scientists predicted – the Sierra Club supports your efforts at emission reductions by offering three categories of comments: 1) Outstanding Policies, 2) Supported Policies and Suggestions, and 3) Areas of Concern with Recommendations.

Thank you for considering our recommendations. We hope that by working together, Milpitas can meet, and even exceed, its goals.

1. **<u>Outstanding Policies</u>**
   a. We are happy to see that the City of Milpitas is promoting **distributed, renewable energy generation** specifically, "through Goal 3, the City will reduce GHG emissions from traditional electricity production and natural gas by promoting the production of local, on-site renewable energy for both residential and nonresidential uses."
   b. Studies have found that **unbundling parking costs** makes a big difference in people's transportation choices. So, we are pleased to see MEASURE 9.1: Unbundle Parking Costs with the following language: "Revise development standards to separate parking costs from the cost to rent, purchase, or lease residential and nonresidential buildings to incentivize use of alternative transportation modes."
   c. Achieving the necessary CO_2 reductions by 2035 will require a dramatic shift away from fossil-fueled vehicles to clean vehicles. So, we applaud GOAL 10: **Provide and Support expansion of infrastructure for low-emitting and fuel-efficient vehicles.**
   d. We applaud MEASURE 10.5: **Gas Tax** and encourage the City of Milpitas to implement this promptly without awaiting regional and state efforts. A one- or two-percent carbon tax could be implemented without significantly affecting local gasoline sales, but it would send a pricing signal to consumers that a long-delayed carbon tax had arrived. Such a carbon tax could be extended to natural gas used in homes and businesses. We fully concur with the proposal to use the tax "to create funding to provide rebates for clean fuel infrastructure and/or vehicles in Milpitas."

e. **BART Station Pedestrian Circulator**. With the highly successful demonstrations of Personal Rapid Transit (PRT) at Heathrow Airport, Masdar in Abu Dhabi, and in Sweden, now is the time to consider use of the technology in the United States. Therefore, we urge Milpitas to accelerate MEASURE 10.6: BART STATION PEDESTRIAN CIRCULATOR with an emphasis on using advanced transit technology when staff studies "the feasibility of a pedestrian circulator around the BART station." The financial argument for PRT is strong. According to the Bikeway Master Plan Update (page vi) and Bicycle Master Plan (page 8-8), the four recommended bicycle/pedestrian overcrossings in the Transit Area are estimated to cost $20 million. Since the 2009 publication of those documents, estimated costs of the four POCs has risen 40% to $28M ($9M + $9M + $5M + $5M). Before spending $28M on bicycle/pedestrian improvements in the TASP area, fiscal prudence would ask what value to the area could be provided by 3 linear miles and 6 stations of PRT for the same price.

f. **Implementation Metrics**. We applaud the City's aggressive implementation metrics. Such willingness to set high goals will serve Milpitas well as further changes are needed in the years after 2020. In particular, we cite for special recognition Measures 1.1, 1.2, 1.4, 1.7, 3.1, 3.2, 3.3, 3.5, 6.1, 8.1, 8.2, 10.1, 10.4, 11.1, 12.1, and 12.2 of the Climate Action Plan. During review, some questions arose.
    i. In regards to, "Measure 1.1: Residential energy audits in older homes facilitate energy audits of 40% of the city's existing housing stock by 2015 and 60% through city-supported incentives."
        1. Question: Does "by 2015" means 1/1/2015 or 12/31/2015?
    ii. In regards to, "Measure 6.1: Implementation Metrics: Participation Metrics: 8,000 single-occupant commuters working and/or living in Milpitas become new transit riders.
        1. Question: What is the total number of single-occupant commuters currently working and/or living in Milpitas?
    iii. Although Measure 10.1 supports developers in obtaining and providing charging stations for new parking locations for electric cars, no provision is made for the growing number of electric bikes and scooters. On the other hand, Measure 12.1, Action C could serve that transportation segment in addition to its intended use. "Require new buildings to provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment."
        1. Question: Is it appropriate to refer to electric bikes in this or any other section of the CAP?

g. **Sustainability Manager.** We also commend staff for noting the need for someone to drive the programs outlined in the CAP. This individual will be helpful, if not essential, to the other six implementation programs. One example is Implementation Program 6: Development Checklist. The Development Checklist (CAP Appendix C) is an innovation that we are pleased to see implemented. Even better is your commitment to "Create and distribute to regional partners a case study highlighting the benefits, lessons learned, and customer feedback discovered through implementation of the development checklist."

h. Finally, we applaud your commitment to **monitoring efforts**: "This plan identifies the responsible department for each measure and offers time frames for implementing each strategy."

2. <u>Supported Policies and Suggestions</u>

There are several measures and actions that were not mentioned in the Milpitas Climate Action Plan that we hope you will consider including:

a. Measure 10.3: Electric Vehicle Partnerships, Action A states: "Work with partner agencies to seek grant funding through state and regional partnerships to fund fleet conversions to electric vehicles." We'd like the City to consider funding light electric vehicles (LEV), like electric bikes

and scooters, as well. Due to their low cost and ready availability, LEVs could easily be incorporated as part of the City's fleet. Good quality electric bikes and scooters can be purchased for less than $2500 each. In addition to reducing CO_2 emissions each time an LEV is used rather than an automobile, City staff will be promoting the use of LEVs in the community simply by riding instead of driving.

b. Page 4-5 briefly describes various programs, including the Bikeways Master Plan. The second sentence cites commuter mode shifts from personal vehicles to bicycles. As many cyclists consider their bikes to be "personal vehicles," we suggest a minor edit to the sentence to distinguish between bicycles and personal vehicles that generate carbon emissions: "The reductions are associated with commuter mode shifts from personal fossil-fueled vehicles to bicycles."

3. <u>Areas of Concern with Recommendations</u>

Clearly, the CAP does well within the scope set for itself, i.e. through the year 2020. However, areas of concern still exist. The Sierra Club Loma Prieta Chapter has the same aim as the Milpitas Climate Action Plan, to significantly reduce greenhouse gas emissions in order to reduce the impacts of the climate crisis on our planet and for future generations. We hope you will seriously consider our recommendations for improvement:

a. We applaud staff's recognition that not all measures will be achieved in a timely way. We agree with the precaution of including a buffer, but we feel the buffer is too small. If all implementation metrics were achieved but not exceeded, a 16.2% reduction in CO_2 emissions would ensue, a 1.2% buffer over the 15% minimum required under AB32. **Given the challenge of achieving many aggressive implementation metrics, and how rapidly climate change is accelerating into crisis conditions, we see a 5% buffer as being more appropriate.** And we acknowledge that some reductions are not included (such as from the existing green building program) "because the information needed to quantify the program is unavailable." Regardless, exceeding the standards of AB 32 helps California attain its goals.

b. Although we totally support "GOAL 7: Increase use of non-motorized transportation throughout the community," we find that "Action A, Implement the Bikeway Master Plan," is deficient. The Plan is out of date due to rapid changes since its 2009 publication. Although Milpitas has a good record at painting stripes for bicycle lanes, it lags other cities in building large infrastructure projects that support cyclists, pedestrians and public transit. For example:

    i. The Bikeway Master Plan fails to support a keystone project that has been identified over the years in various City plans. Recently the City Council again indicated its interest in a bike/pedestrian crossing of the railroad tracks to connect Yosemite Drive with Curtis Avenue.

    ii. The Bikeway Master Plan also makes no mention of two other bicycle/pedestrian connections with the potential to substantially increase use of transportation alternatives in Milpitas: 1) an east-west crossing of I-880 near the Calaveras Boulevard interchange, and 2) a north-south crossing of Scott Boulevard for users of the Hetch-Hetchy right-of-way.

c. Although the CAP well addresses steps to meet the 2020 goal of reducing emissions by 15%, there is no information about the years after 2020. Rather than delay implementation of this CAP by extending its time frame to 2035, **we recommend that the CAP be updated in 2015 to include measures needed to attain the 2035 goal** of reducing emissions by 52% as required by AB 32. Two areas with above-average potential for emission reductions are transportation and population.

    i. Transportation and land use measures comprise 23% of the anticipated reductions in 2020. However, transportation contributes 50% of total emissions. Innovative strategies in transportation may hold unforeseen potential.

ii. IMPACT OF STATE REDUCTION PROGRAMS (page A-8) mentions that "Emissions in 2035 are 3% above baseline ..." [emphasis added] That portends a failure to reduce emissions by 52% in 2035 as required by AB 32. The unstated primary driver of this failure is population growth as shown in Table A-3: BAU Forecast Indicators. The number of residents is expected to grow from 64,800 in 2005 to 106,000 in 2035, a 63% increase. **Policies and programs to reduce fertility rates** should be investigated for their potential effects on emissions.

d. Explore the potential of an **Automated Transit Network (ATN)** for reducing CO_2 emissions in Milpitas as recommended at the August 24, 2011 CAP Planning Commission Workshop and public comment meeting. For additional background, see Sierra Club comments to the recent Circulation Element update. If such a citywide ATN system were operating and captured 10% of the driving in Milpitas, it would reduce emissions approximately 29,683 $MTCO_2e$ in 2020 – a reduction that dwarfs any other implementation measure in the CAP.[1]

e. The monitoring provisions of the CAP will inform us how our plan is working, but **consequences and accountability** are needed to ensure we meet the reductions that are critical to the future of Milpitas and human life.

Conclusion

Again, we commend staff on the excellent work involved in creating the CAP and appreciate the opportunity to provide our input. We hope that our comments combined with the wisdom of the entire community elevates the Milpitas CAP to an award-winning and exemplary model that shines a light for other communities.

Respectfully Submitted,

Robert Means
Co- Chair, Milpitas Cool Cities Team

Gita Dev
Sustainable Land Use Committee Member

Megan Fluke Medeiros
Conservation and Development Manager

[1] According to Table A-3: BAU Forecast Indicators, annual VMT by Milpitas residents in 2005 was 697,265,000. Using a fleet average mileage for passenger vehicles of 21 miles per gallon (Page 3 of Climate Change Draft Scoping Plan: Measure Documentation Supplement (http://www.arb.ca.gov/cc/scopingplan/document/measure_documentation.pdf) yields a baseline consumption of 33,203,095 gallons of gasoline annually. Using a conversion factor from the Scoping Plan (0.00894 $MTCO_2e$ /gallon of gasoline), that number of gallons generates 296,835 $MTCO_2e$ annually. If 10% of VMT by Milpitas residents was captured by renewably-powered ATN, a reduction of 29,683 $MTCO_2e$ can be expected.

SANTA CLARA
Valley Transportation Authority

March 29, 2013

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Sheldon Ah Sing

Subject: Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy

Dear Mr. Ah Sing:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy for the City of Milpitas. We have the following comments.

Transportation Demand Management and Trip Reductions
VTA commends the City for highlighting transportation measures to reduce Greenhouse Gas Emissions in the CAP, including measures to support density and transit-friendly design (Measures 6.1-6.4), increase bicycle infrastructure and use (Measures 7.1-7.5), encourage transportation management through outreach (Measures 8.1-8.4), and more effectively manage parking in the City (Measures 9.1-9.2).

VTA encourages the City to include more specific and enforceable guidelines for Transportation Demand Management (TDM) in the CAP. Although Measure 8.1 calls for the City to "adopt and phase a citywide Transportation Demand Management (TDM) ordinance by 2015," the measure lacks specific percentage reduction targets and does not include a monitoring program or penalties. Percentage targets could be tied to land uses, location of development, and/or proximity to transit (e.g. the Transit Area Specific Plan). In addition, the measure should clearly define the baseline against which reductions should be taken and specify which projects are required to meet the targets. VTA recommends that the targets apply to new development as well as expansions of existing businesses. For an example of a TDM measure with specific reduction targets based on geographic area, please see Mountain View's Greenhouse Gas Reduction Program (August 2012), Measure T-1.1 (pg. 4-25 – 4-26).

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

ML1302

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

To: ☐ Interested Agencies and Individuals

☑ Santa Clara County Clerk-Recorder
70 West Hedding St. E Wing 1st floor
San Jose, CA 95110

From: City of Milpitas
Planning Division
455 E. Calaveras Blvd.
Milpitas, CA 95035

Contact:
Sheldon S. Ah Sing, Senior Planner
(408) 586-3278
sahsing@ci.milpitas.ca.gov

Applicant: City of Milpitas

Project Title: Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy

Project Description: The Climate Action Plan (CAP) is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15% below 2005 emissions levels by 2020.

Project Location: NA

Project Number: NA

Public Review Period: February 28 through March 19, 2013

Hearing Dates/Times: To be announced

Hearing Location: City of Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd.

The Negative Declaration and Initial Study as well as all referenced documents will be available for public review at:

City of Milpitas City Hall 455 E. Calaveras Blvd. Milpitas, CA 95035	http://www.ci.milpitas.ca.gov/government/planning/environmental.asp

Please submit any comments on the Negative Declaration to the City on or before March 19, 2013. Please direct your comments to Sheldon S. Ah Sing, Senior Planner, at the above address, or by the telephone and e-mail contacts provided at the top of this form. Please also use this contact information to make any inquiries regarding this project.

Signature Sheldon S. Ah Sing **Date** 25 Feb 2013

Initial Study

ENVIRONMENTAL CHECKLIST FORM

For the Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy

1. Project title: Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy

2. Lead agency name and address: City of Milpitas; 455 E. Calaveras Blvd. Milpitas, CA 95035

3. Contact person and phone number: Sheldon S. Ah Sing (408) 586.3278

4. Project location: Milpitas, California (Citywide)

5. Project sponsor's name and address: City of Milpitas; 455 E. Calaveras Blvd. Milpitas, CA 95035

6. General plan designation: Citywide project, not applicable

7. Zoning: Citywide project, not applicable

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy [known here foreword as the Milpitas Climate Action Plan (CAP)] establishes strategies for reducing municipal and community-wide greenhouse gas (GHG) emissions. The CAP is a proactive strategy document that enables the City to maintain local control of implementing State direction (AB 32 – the California Global Warming Solutions Act) to reduce GHG emissions to 1990 levels by 2020. Proposed GHG reduction strategies align with existing General Plan policies.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Citywide project

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the 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 potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Sheldon S Ah Sing
Signature

21 Feb 2013
Date

Sheldon S. Ah Sing
Printed Name

For

MAPS

Figure 1: Regional Map

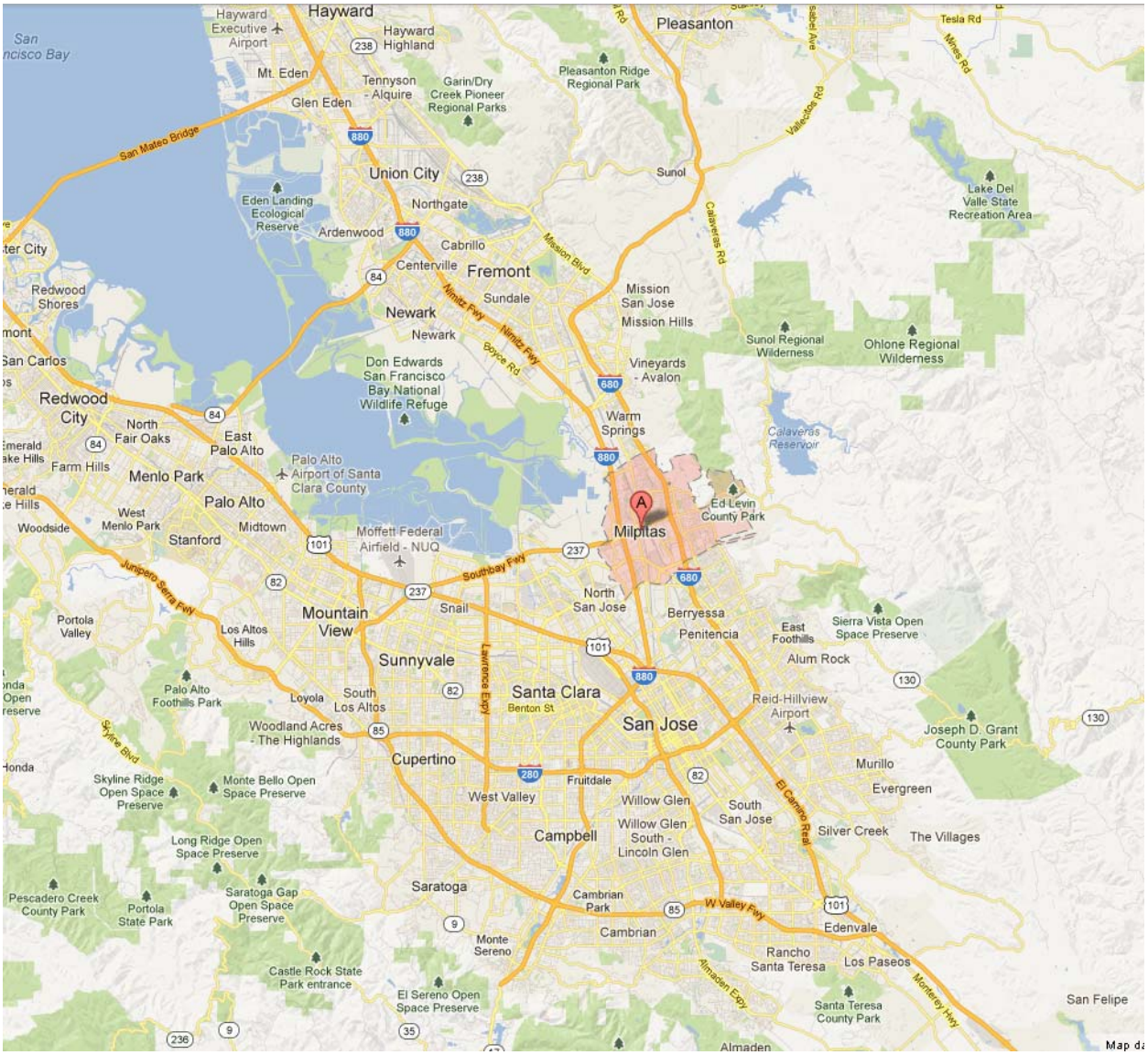
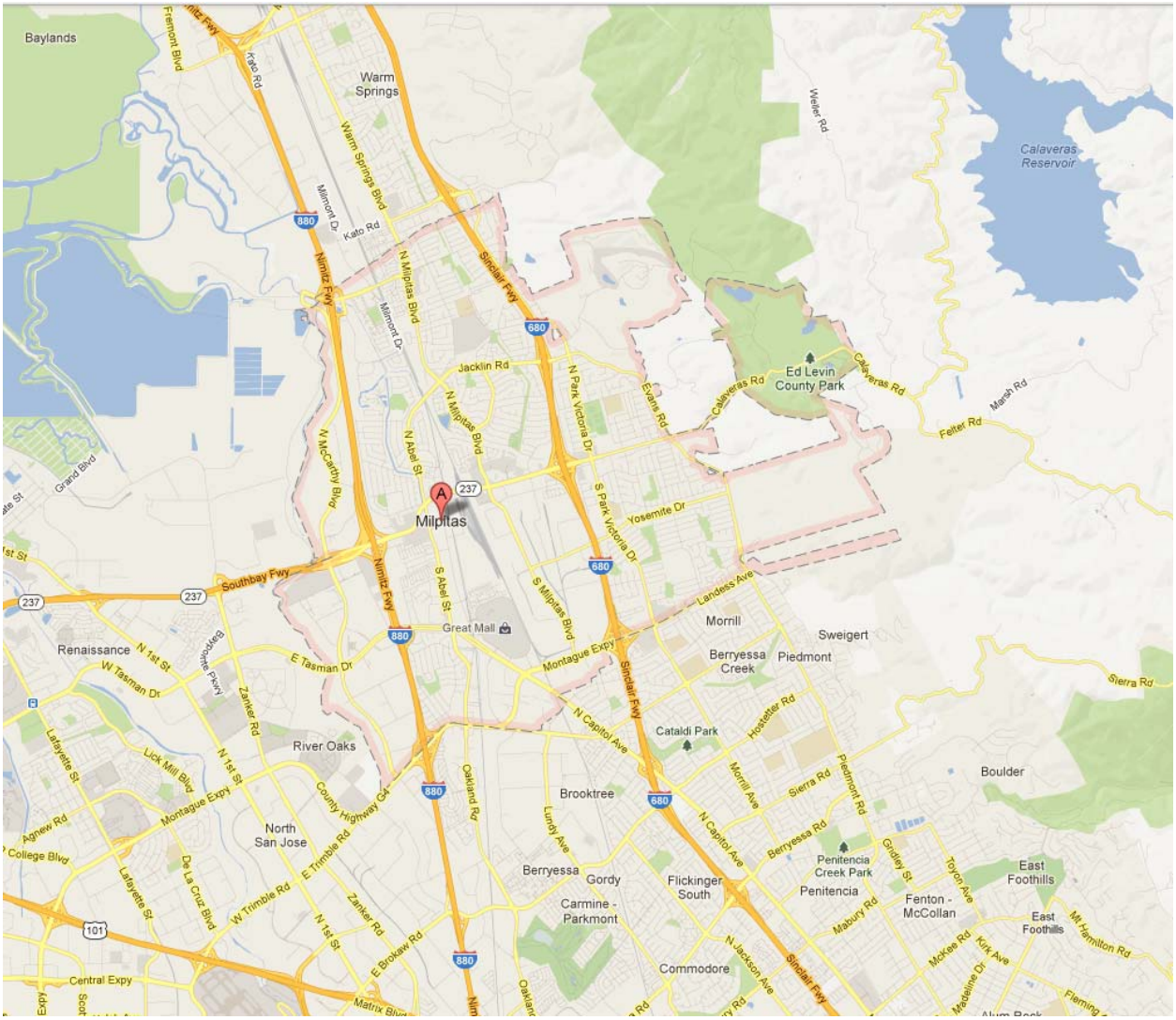


Figure 2: Vicinity Map



EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES

I. 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?	☐	☐	☒	☐	2,4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1, 8

Comment:

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

CAP strategies encourage use of green building design features such as cool roofs. Cool roofs use white or reflective roofing material to minimize heat gain in a house. Other green design features could include solar installations on large structures such as parking garages. Solar panel and cool roof installations are subject to design review in Site and Architectural Overlay Districts. One goal of the design review process is to ensure there are no adverse effects on scenic vistas. Therefore, the impact is less than significant.

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

No state scenic highway is located in Milpitas. Therefore, no impact would result.

3) Substantially degrade the existing visual character or quality of the site and its surroundings?

Refer to (1) above. The impact is less than significant.

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

Encouraging solar panels or cool roofs on rooftops promotes energy efficiency and the use of renewable energy sources in the city. Solar panels do not reflect light, are not visible at night, and would not create a new source of substantial glare. Cool roofs that are white may create some glare when viewed from a higher vantage point, but the glare is minimal during the day and negligible at night, and therefore would not be considered substantial. The CAP also encourages interior and exterior lights throughout the community to be turned off whenever possible to conserve energy, which also helps preserve nighttime views. Therefore, the impact is less than significant.

II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	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?	☐	☐	☐	☒	1,2,4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	☐	☐	☐	☒	
4) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

Comment:

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?

The CAP is a policy document that provides strategies to reduce GHG emissions in the City. No conversion of farmland is proposed. Conversely, the CAP promotes acquisition of additional open space within the City, which could be farmed or used as community garden space. The document is consistent

with Milpitas General Plan policies regarding protection of agricultural lands and would not conflict with existing zoning for agricultural use. No impact would result.

2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Refer to (1) above. No impact would result.

3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?

Refer to (1) above. No impact would result.

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

Refer to (1) above. No impact would result.

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

Refer to (1) above. No impact would result.

III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
	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?	☐	☐	☒	☐	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,10
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?	☐	☐	☒	☐	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1

Environmental Setting:
The City of Milpitas is located within the Santa Clara Valley sub-region of the San Francisco Bay Area Air Basin (Air Basin). The Air Basin comprises all or portions of the nine Bay Area counties. Air quality in the Air Basin is regulated by the United States Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and the Bay Area Air Quality Management District (BAAQMD). Regional and local air quality is impacted by dominant airflows, topography, atmospheric inversions, location, season, and time of day.

Comment:
1) Conflict with or obstruct implementation of the applicable air quality plan?

The applicable air quality plan is the BAAQMD Bay Area 2010 Clean Air Plan, which outlines air quality standards and attainment status for multiple air pollutants, including ground-level ozone and its key precursors, ROG and NOx; particulate matter; air toxics; and GHGs.

The CAP contains strategies to reduce GHG emissions and improve air quality in the city consistent with the State's primary GHG reduction goals contained in AB 32. The CAP is also consistent with the June 2010 proposed BAAQMD GHG Plan-level Thresholds, and State CEQA Guidelines Section 15183.5, which prescribes criteria for adoption of a qualified GHG reduction plan. Potential impacts to air quality could result from increased infill development, which is encouraged by the CAP. However, new development is subject to CEQA, the BAAQMD thresholds for ozone and particulates, and the City's standard development review process. Compliance with these existing regulations and standards would ensure consistency with the Bay Area 2010 Clean Air Plan, and result in a less-than-significant impact.

2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Refer to (1) above. Impacts would be less than significant.

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?

Refer to (1) above. Impacts would be less than significant.

4) Expose sensitive receptors to substantial pollutant concentrations?

Refer to (1) above. Impacts would be less than significant.

5) Create objectionable odors affecting a substantial number of people?

Refer to (1) above. Impacts would be less than significant.

IV. 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?	☐	☐	☒	☐	1,4
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?	☐	☐	☒	☐	1,4
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?	☐	☐	☒	☐	1,4
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?	☐	☐	☐	☒	1,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1, 4, 8
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?	☐	☐	☐	☒	1,4

Comment:

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?

The CAP does not propose new development in the City. However, both infill development and mixed-use development are encouraged. Infill is characterized by development within already urbanized portions of the city that are not primary habitats for identified species of concern. Furthermore, new large development projects that have the potential to affect local wildlife would require project-level environmental review pursuant to CEQA. Therefore, impacts would be less than significant.

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?

The CAP is a policy document guiding the community to reduce GHG emissions. The CAP does not propose development that would interfere with riparian or sensitive natural communities identified in local or regional plans. Therefore, impacts would be less than significant.

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?

Refer to (1) and (2) above. Impacts would be less than significant.

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?

The CAP does not contain strategies that would affect movement of wildlife species or impede the use of native wildlife nursery sites. Therefore, no impact would result.

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

The CAP does not contain strategies that would affect local policies or ordinances protecting biological resources. Rather, the CAP supports local policies and ordinances protecting biological resources, and specifically promotes expansion of tree canopy within the community. Therefore, no impact would result.

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?

The CAP is consistent with approved local, regional, or state habitat conservation plans. Therefore, no impact would result.

V. 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?	☐	☐	☒	☐	1,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☒	☐	1,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,4

Comment:

1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?

The CAP recommends energy conservation measures that may affect historic buildings. However, major alterations to historic buildings would require review and potentially mitigation consistent with the City's Municipal Code procedures for historic resources. Compliance with these existing regulations and standards would protect each historic structure's integrity, resulting in a less-than-significant impact.

2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

The CAP is a policy document recommending strategies to reduce GHG emissions. It does not propose any specific development project. There is a remote possibility that ground-disturbing activities could occur as a result of infill, mixed-use, and transit-oriented developments encouraged by the CAP, and that such ground disturbance could uncover previously unknown archaeological resources. In the event that this occurs, compliance with existing State regulations pertaining to archeological resources, paleontological resources, and human remains would ensure a less-than-significant impact.

3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Refer to (2) above. The impact is less than significant.

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

Refer to (2) above. The impact is less than significant.

VI. 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.)	☐	☐	☒	☐	1,11, 12, 13
b) Strong seismic ground shaking?	☐	☐	☒	☐	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 11, 12, 13
d) Landslides?	☐	☐	☒	☐	1
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 11, 12, 13
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?	☐	☐	☒	☐	1, 11, 12, 13
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?	☐	☐	☒	☐	1, 11, 12, 13
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?	☐	☐	☒	☐	1, 11, 12, 13

Comment:

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.)

b) Strong seismic ground shaking?

c) Seismic-related ground failure, including liquefaction?

d) Landslides?

The City of Milpitas includes fault study areas in hillside areas, where no significant growth is anticipated to occur as a result of implementing CAP measures and actions. The CAP does encourage infill, mixed-use, and transit-oriented development on the valley floor. Such development would be required to comply with the City building code, which includes seismic design standards. Therefore, compliance with existing development regulations and standards would result in a less-than-significant impact.

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

No future project resulting from implementation of the CAP would directly involve major movement of topsoil or directly result in substantial soil erosion. In the event that proposed residential or commercial retrofits or renovations, construction of bike paths and pedestrian improvements, or new mixed-use or transit-oriented development projects pursuant to the CAP require construction activity that may result in substantial soil erosion or loss of topsoil, such activities would be subject to the City's existing grading regulations, which are specifically designed to reduce potential erosion impacts. Therefore, compliance with existing development regulations and standards would result in a less-than-significant impact.

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?

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. All development projects would be subject to applicable engineering and City building code requirements specifically designed to reduce potential hazards and damage from on- or off-site landslides, lateral spreading, subsidence, liquefaction, or soil collapse. Therefore, compliance with existing development regulations and standards would result in a less-than-significant impact.

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?

No new development projects will result from the implementation of the CAP although infill, mixed-use, and transit-oriented developments are encouraged. All development projects would be subject to applicable engineering and City building code requirements specifically designed to minimize the possible effects of expansive soil. Therefore, compliance with existing development regulations and standards would result in a less-than-significant impact.

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?

No new development projects will result from the implementation of the CAP although infill, mixed-use, and transit-oriented developments are encouraged. All development projects would be subject to applicable engineering and City building code requirements designed to ensure that they are developed on soils which are capable of supporting the use of septic tanks, or alternative waste water disposal systems where sewers are not available for the disposal of waste water. Therefore, compliance with existing development regulations and standards would result in a less-than-significant impact.

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	2, 3
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	2, 3

Comment:

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

As identified in the CAP, the Milpitas community emitted 642,050 $MTCO_2e$ in baseline year 2005. With anticipated population and employment growth, emissions in Milpitas in 2020 are forecast to increase by 18% to 754,680 $MTCO_2e$. Implementation of statewide emissions reduction programs would reduce community-wide emissions in Milpitas to 625,520 $MTCO_2e$ in 2020.

The CAP provides strategies the City can implement to reduce GHG emissions. The CAP identifies a reduction target consistent with the CARB AB 32 Scoping Plan of 15% from the baseline year emissions by 2020. As proposed, implementation of statewide emission reduction programs and local actions identified in the CAP would reduce GHGs by 16.2% (87,450 $MTCO_2e$) from baseline 2005 emission levels, exceeding the 15% reduction target by 2020. Therefore, the CAP establishes a road map to directly and indirectly reduce, rather than increase, community-wide GHG emissions. The impact would be less than significant.

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

The CAP is a policy document that identifies strategies to guide the implementation of GHG reduction measures in the City and quantifies the emissions reductions that result from these strategies. These strategies seek to meet the goal of reducing Milpitas GHG emissions 15% below baseline levels by 2020, consistent with guidance provided in the CARB AB 32 Scoping Plan and the BAAQMD June 2010 GHG Plan-level Significance Thresholds. The CAP also includes adaptation measures to improve the City's ability to address the potential impacts that climate change may have on the City and its residents. The CAP therefore implements, rather than conflicts with, state regulations to reduce GHG emissions (AB 32, SB 375, SB 97). The impact would be less than significant.

VIII. 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?	☐	☐	☒	☐	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?	☐	☐	☒	☐	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1

VIII. 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: 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?	☐	☐	☒	☐	1

Comment:

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

No new development projects will result from the implementation of the CAP although infill, mixed-use, and transit-oriented development is encouraged. It is possible that construction activities associated with new mixed-use or transit-oriented development projects or residential and commercial retrofit and renovation projects recommended by the CAP would require use of potentially hazardous construction materials, such as paints and solvents. However, such projects would be required to comply with applicable utility, building, and safety codes designed to reduce hazards to the public and environment. Compliance with existing regulations and standards would result in a less-than-significant impact.

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?

Please refer to (1) above. Impacts would be less than significant.

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

The CAP does not propose new development in the City which would emit hazardous emissions or require handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, no impact would result.

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?

Where surface or subsurface contamination may be a concern, project applicants are required to prepare an environmental assessment. The assessment would include, but not be limited to: (a) Identification of potential sources of contamination caused by past or current land uses; and (b) evaluation of non-point sources of hazardous materials, including agricultural chemical residues, fuel storage tanks, septic systems, or chemical storage areas.

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. All development projects would require an assessment of potential hazardous materials, along with a description of the hazard(s) and remedies to avoid or minimize any impacts to acceptable levels. Therefore, the impact would be less than significant.

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?

There are no projects proposed within the CAP that would negatively affect operation of an airport, caused by height, light interference, or land use incompatibility. Therefore, no impact would result.

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?

The City is not within the vicinity of a private airstrip. Therefore, no impact would result.

7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. According to standard development review procedures for project applications, individual projects would be reviewed prior to approval by the Fire Department. The CAP does not include recommendations that would physically interfere with the City's Emergency Operations Plan or any established emergency evacuation plan. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

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?

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. Furthermore, CAP policies are consistent with the Milpitas General Plan Safety Element policies to reduce risk of loss, injury or death involving wildland fires. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

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IX. 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?	☐	☐	☒	☐	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)?	☐	☐	☐	☒	1,2
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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☒	☐	1,2
6) Otherwise substantially degrade water quality?	☐	☐	☒	☐	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?	☐	☐	☒	☐	1,2, 14

IX. 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:					
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	1, 2, 14
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?	☐	☐	☒	☐	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

Comment:

1) Violate any water quality standards or waste discharge requirements?

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. Construction associated with these projects could increase erosion and adversely affect urban runoff. However, any new project resulting from the CAP would be subject to existing City standards requiring setbacks to creeks to protect water quality, and Stormwater Regulations for construction to prevent sediment from entering creek environments. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

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)?

The CAP recommends numerous water conservation measures, which may result in reduced demand for water supplies, and an *increase* in groundwater supplies. The CAP does not recommend any strategy or measure that would require additional water supply that would be attained from groundwater and would not result in any future projects that would substantially interfere with groundwater recharge. Therefore, no impact would result.

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?

The CAP does not recommend any strategy or measure that would directly or indirectly alter drainage patterns. No streams or rivers are anticipated to be altered. Therefore, no impact would result.

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?

Refer to (3) above. No impact would result.

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?

Refer to (1) above. Impacts would be less than significant.

6) Otherwise substantially degrade water quality?

Refer to (1) above. Impacts would be less than significant.

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?

No new development projects will result from the implementation of the CAP, although infill, mixed-use, and transit-oriented projects are encouraged. Any such projects would be subject to the City's flood-control program and ordinance, which are designed to reduce flood hazards. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Refer to (7) above. Impacts would be less than significant.

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?

Refer to (7) above. Impacts would be less than significant.

10) Be subject to inundation by seiche, tsunami, or mudflow?

The CAP does not recommend any future projects, strategies, or measures that would result in inundation by seiche, tsunami, or mudflow. Therefore, no impact would result.

X. 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?	☐	☐	☐	☒	1, 2
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?	☐	☐	☒	☐	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1, 2, 4

Comment:

1) Physically divide an established community?

The CAP does not propose any structures, land use designations or other features (i.e., freeways, railroad tracks) that would physically divide an established community. The CAP does not recommend any strategy or measure that would physically divide the community. Rather, the CAP includes strategies and measures to improve connectivity within Milpitas and to promote alternative transportation methods. Therefore, no impact would result.

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?

The CAP proposes strategies and measures to reduce GHG emissions. Implementing the CAP may require some modification of existing City policies, including the General Plan and Zoning Regulations. However, proposed CAP strategies and measures would generally result in greater avoidance or mitigation of environmental effects, as the CAP is designed to mitigate adverse environmental impacts associated with global climate change. For these reasons, although some changes to existing City policies and plans would result from adoption of the CAP, the intent is beneficial. Therefore, the impact would be less than significant.

3) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The CAP is consistent with applicable habitat conservation plans or natural community conservation plans. Therefore, no impact would result.

XI. 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?	☐	☐	☐	☒	1, 4
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?	☐	☐	☐	☒	1, 4

Comment:

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?

No significant mineral resources are located in the city. Therefore, no impact would result.

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?

Refer to (1) above. No impact would result.

XII. NOISE					
	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?	☐	☐	☒	☐	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 6
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?	☐	☐	☐	☒	1, 6
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?	☐	☐	☐	☒	1, 6

Comment:

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?

While the CAP does not recommend any new project, strategy, or measure that would generate excessive amounts of noise, construction activity associated with recommended energy efficiency retrofits in residential or commercial buildings, new mixed-use or transit-oriented development projects, expansion of bicycle and pedestrian facilities, and installation of distributed renewable energy systems could possibly result in temporary increases in noise levels.

However, any construction associated with these activities would be required to comply with the City's Noise Ordinance and regulations designed to reduce noise from construction activities. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Similar to the evaluation within item (1), temporary construction activities resulting from implementation of CAP measures and actions could potentially result in excessive groundborne vibration or groundborne noise levels for a temporary period of time associated with recommended redevelopment, energy efficiency retrofits in residential or commercial buildings, expansion of bicycle and pedestrian facilities, and installation of distributed renewable energy systems. However, construction activity vibration levels for projects resulting from the CAP would be similar to those of ongoing activities in the urban environment, and would not be excessive. Therefore, this would be a less-than-significant impact.

3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No substantial permanent increase in local traffic volumes is anticipated as a result of recommendations from the CAP. Thus, no substantial permanent increase in ambient noise levels related to travel activity is expected. Conversely, the CAP includes numerous recommendations designed to reduce the number and length of vehicle trips in Milpitas, which could lead to a *decrease* in ambient noise levels. Therefore no impact would result.

4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Refer to item (1). Impacts would be less than significant.

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?

Milpitas is not located within an airport land use plan. Therefore, no impact would result.

7) 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?

Milpitas is not located within the vicinity of a private airstrip. Therefore, no impact would result.

XIII. 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)?	☐	☐	☒	☐	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

Comment:

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)?

The CAP includes strategies and measures to reduce GHG emissions. Proposed measures include encouraging transit-oriented development and retrofitting existing residential and commercial buildings to make them more energy efficient. The City includes two Specific Plans that envision a total of 11,000 dwelling units and 300,000 square feet of commercial space. Other potential development sites outside of these areas are small and few.

The CAP does not propose any new housing units or non-residential square feet beyond those already anticipated in the City's general and specific plans. Commercial and residential energy efficiency retrofits that may occur as recommendations from the CAP would update homes already located in Milpitas to make them more energy efficient and would not be likely to include additions that make homes larger and accommodate more people. Therefore, the impact would be less than significant.

2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Although CAP strategies and measures encourage energy efficient retrofits for existing homes and encourage new mixed use and transit-oriented development projects, homes would not be displaced. Possible future development activities would likely lead to a greater mix of uses within the City's commercial corridors and would result in more homes. Replacement housing would not be necessary. Therefore, no impact would result.

3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Refer to (2) above. No impact would result.

XIV. PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 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:					
Fire Protection?	☐	☐	☒	☐	1
Police Protection?	☐	☐	☒	☐	1
Schools?	☐	☐	☒	☐	1
Parks?	☐	☐	☒	☐	1
Other Public Facilities?	☐	☐	☒	☐	1

Comment:

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:

a) Fire Protection?

As discussed under “Population and Housing,” CAP recommendations could result in construction of new infill, mixed-use, and transit-oriented projects. All new construction is subject to the City’s General Plan growth management regulations and fire service standards. Therefore, compliance with existing regulations and standards and would not create unanticipated demand on fire protection services. This impact would be less than significant.

b) Police Protection?

As discussed under “Population and Housing,” CAP recommendations could result in construction of new infill, mixed-use, and transit-oriented projects. All new construction is subject to the City’s General Plan growth management regulations and police protection standards. The possible increase in population that may occur as a result of implementation of the development recommendations of the CAP would not increase the demand for police protection service to the extent that new police protection facilities would be required. Therefore, compliance with existing regulations and standards and would not create unanticipated demand on police protection services. This impact would be less than significant.

c) Schools?

As discussed under “Population and Housing,” CAP recommendations could result in construction of new infill, mixed-use, and transit-oriented projects. The possible increase in population that may occur as a result of implementation of the development recommendations from the CAP would not increase the demand for school-related service to the extent that new school facilities would be required. If such facilities were required, payment of impact fees for construction of new school facilities would constitute sufficient mitigation for school facility impacts, consistent with state law. Therefore, impacts would be less than significant.

d) Parks?

The CAP recommends additional parkland to increase carbon sequestration from trees, plants and untilled soil. Construction of new parkland is subject to General Plan policies in the Parks and Recreation Element, as well as engineering design standards, which prevent substantial adverse physical impacts. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

e) Other public facilities?

As discussed under “Population and Housing,” CAP recommendations could result in construction of new infill, mixed-use, and transit-oriented projects. The possible increase in population that may occur as a result of implementation of the strategies from the CAP would not be expected to increase the demand for libraries or other governmental services to the extent that new facilities would be required. Therefore, compliance with existing regulations and standards and would not create unanticipated demand on other public facilities. This impact would be less than significant.

XV. 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?	☐	☐	☐	☒	1, 4, 8
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?	☐	☐	☒	☐	1, 4, 8

Comment:

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?

The CAP promotes expansion of the City park network, which would create more opportunities for users and less concentrated impact on existing parks and recreational facilities. Therefore, no impact would result.

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?

The CAP recommends additional parkland to increase carbon sequestration from trees, plants and untilled soil. Construction of new parkland is subject to General Plan policies in the Parks and Recreation Element, as well as engineering design standards, which prevent substantial adverse physical impacts. Therefore, compliance with existing regulations and standards would result in a less-than-significant impact.

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 3
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?	☐	☐	☐	☒	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)?	☐	☐	☒	☐	1
5) Result in inadequate emergency access?	☐	☐	☒	☐	1
6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	1

Comment:

1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Implementation of CAP strategies would increase the availability of transit service for Milpitas residents, add additional bicycle and pedestrian facilities, and discourage single-occupancy vehicle use. Achieving each of these goals would reduce traffic loads, which would reduce the number of vehicle trips, volume to capacity ratio, and intersection congestion within the City. New infill, mixed-use, and transit-oriented development projects recommended within the CAP would be designed specifically to reduce vehicle trips and place more people within walking distance of commercial uses and public transit. Furthermore, no proposed strategy would directly increase traffic in relation to the existing traffic load and capacity of the street system. Therefore, the impact would be less than significant.

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

Refer to (1) above. Impacts would be less than significant.

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?

The CAP does not include any strategy or measure that would directly or indirectly affect air traffic patterns. Therefore, no impact would result.

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

The CAP does not include any strategy that would promote the development of hazardous road design features or incompatible uses. Rather, the CAP promotes the development of new bicycle and pedestrian facilities built to current standards, which would provide greater safety for pedestrians, bicyclists, and drivers. Therefore, the impact would be less than significant.

5) Result in inadequate emergency access?

The CAP recommends strategies and measures that would increase safety for drivers, pedestrians, and bicyclists and seeks to reduce the number of automobiles on Milpitas streets, both of which could make access for emergency vehicles easier and more efficient. No strategy proposed in the CAP would result in the development of uses or facilities that would degrade emergency access. Therefore, the impact would be less than significant.

6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Supporting and increasing access to alternative transportation is a key objective of the CAP. The CAP would enhance adopted policies, plans, and programs supporting alternative transportation. Therefore, no impact would result.

XVII. 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?	☐	☐	☐	☒	1,2
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?	☐	☐	☒	☐	1,2
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?	☐	☐	☒	☐	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
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?	☐	☐	☒	☐	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1,2

Comment:

1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Implementation of the CAP could result in a small increase in population through infill, mixed-use, and transit-oriented development. However, the population increase would not create unanticipated demand for wastewater treatment that would exceed treatment requirements. Therefore, the impact would be less than significant.

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?

Implementation of the CAP would not result in an unanticipated increase in population through infill, mixed-use, and transit-oriented developments. Thus, resulting needs for water, storm-water, and wastewater treatment would not increase substantially. No expanded or new treatment facilities would be required. Therefore, the impact would be less than significant.

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?

Refer to (2) above. Impacts would be less than significant.

4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Refer to (2) above. Impacts would be less than significant.

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?

Refer to (2) above. Impacts would be less than significant.

6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The CAP promotes recycling, and an increased waste diversion rate, both of which would reduce disposal of solid waste to landfills, thereby extending landfill capacity. Therefore, the impact would be less than significant.

7) Comply with federal, state, and local statutes and regulations related to solid waste?

The CAP would not recommend any strategy that would not comply with applicable solid waste regulations. Conversely, the CAP promotes recycling and includes actions to achieve and improve upon existing waste reduction goals. No impact would result.

XVIII. 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?	☐	☐	☐	☒	1-15, A
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)?	☐	☐	☐	☒	1-15, A
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1-15, A

Comment:

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?

The CAP is a proactive strategy document that enables the City to maintain local control of implementing State direction (AB32 – the California Global Warming Solutions Act) to reduce GHG emissions to 1990 levels by 2020. GHG reduction strategies align with existing General Plan policies. Strategies in the document would improve, rather than degrade the quality of the environment, and the quality of life for human beings in Milpitas. No impact would result.

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)?

Having an adopted CAP will allow the City to streamline CEQA review process of certain projects. Senate Bill (SB) 97 amended CEQA to identify GHG emissions associated with a project as a potentially significant environmental impact but also allowed lead agencies to analyze and mitigate the effects of GHG emissions at a programmatic level, such as in a general plan, or as part of a separate plan to reduce GHG emissions (State CEQA Guidelines Section 15183.5). The CAP serves as the City's qualified GHG reduction plan, which allows the CAP to be used in the cumulative impacts environmental analysis of projects. The environmental review for each project must identify those requirements specified in the CAP that apply to the project, and if those requirements are not otherwise binding or enforceable, they should be incorporated as mitigation measures applicable to the project (State CEQA Guidelines Section 15183.5b). Therefore, no cumulatively considerable impacts would result.

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

Refer to (1) above. No impact would result

SOURCES
General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006,* Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19,* 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H.06085C0080H, 06085C0086H, and 06085C0087H*
15. Transit Area Specific Plan Final Environmental Impact Report, June 2008

Project Related Sources:

A. Project application and appendices.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

LIST OF ATTACHMENTS FOR PUBLIC HEARING

ITEM NO. 3 - Hold Public Hearing on Residential Development Project, then Consider Actions for Ordinance No. 38.808 for a Zoning Code Text Amendment Adding "Live-Work" units and Adopt a Resolution Approving Lots 1 and 2 Project (375 Los Coches) and the Mitigated Negative Declaration

A. Planning Commission Staff Report, April 10, 2013 (Zoning Text Amendment)
B. April 10, 2013 PC Meeting Minutes
C. Planning Commission Staff Report, March 27, 2013 (Residential Project)
D. March 27, 2013 PC Meeting Minutes
E. Site plans
F. Letter from School District
G. Environmental Impact Assessment
H. Phase I Environmental Site Assessment
I. Traffic Study
J. Noise Study
K. Risk Assessment
L. Greenhouse Gas/Air Quality
M. Council's Transportation and Land Use Subcommittee Meeting Minutes January 24, 2012
N. Council's Transportation and Land Use Subcommittee Meeting Minutes April 18, 2012
O. Proposed Ordinance No. 38.808
P. Resolution

AGENDA ITEM: IX-1

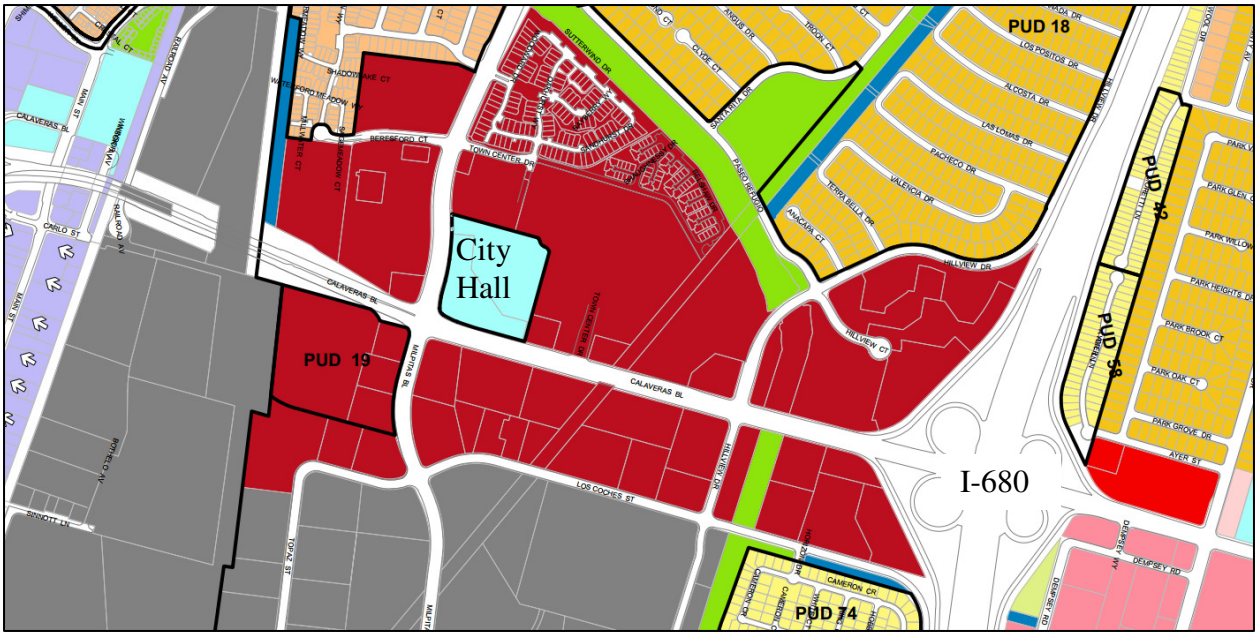
A

MILPITAS PLANNING COMMISSION AGENDA REPORT

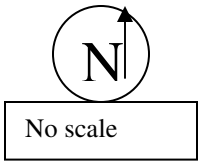
PUBLIC HEARING Meeting Date: April 10, 2013

APPLICATION:	**ZONING TEXT AMENDMENT NO. ZA13-0002**
APPLICATION SUMMARY:	A request to amend the text within the Zoning Ordinance to: incorporate "live-work" units as a conditionally permitted use within the Town Center Zoning District; introduce "live-work" specifications under Section 13 "Special Uses"; and further define "live-work" units in Section 2 "Definitions"
LOCATION:	Town Center Zoning District
APPLICANT:	DRG Builders Inc., Doyle Heaton, 3480 Buskirk Ave, Ste 260, Pleasant Hill, CA 94523
OWNER:	N/A
RECOMMENDATION:	**Staff recommends that the Planning Commission: Adopt Resolution No. 13-015 recommending approval to the City Council.**
PROJECT DATA:	
General Plan/ Zoning Designation:	Town Center / Town Center with Site and Architectural Overlay (TC-S)
Related Permits:	MT12-0002, SD12-0003, and UP12-0016
CEQA Determination:	Exempt pursuant to Section 15061 of CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects, which have the potential to cause a significant effect on the environment.
PLANNER:	Tiffany Brown, Assistant Planner
ATTACHMENTS:	A. Resolution No. 13-015 B. Underline and Strikeout of Amendments C. Live-Work Regulations in other Santa Clara County Cities Chart (Information only)

ZONING MAP



Town Center Zoning District



BACKGROUND

On March 27, 2013, the Planning Commission recommended that the City Council approve 28 single family units, four live-work units with a total of 2,000 square feet of commercial along South Milpitas Boulevard on an approximate 2.7 acre site at 375 Los Coches Blvd. Due to the applicant adding the live-work request late in the planning process, staff was unable to meet the Public Hearing Notification required for a zoning text amendment at the time of project consideration. This was understood by the Planning Commission with a project condition of approval requiring that a text amendment be prepared prior to the project being forwarded to the City Council. Incorporating the "live-work" units at this location requires a Zoning Text Amendment to conditionally allow "live-work" units within the Town Center Zoning District.

PROJECT DESCRIPTION

Staff also notes that "live-work" units are currently conditionally allowed in Multi-Family Residential (R3), Multi-Family Residential Very High Density (R4), and Urban Residential (R5) Zoning Districts. Although our Zoning Ordinance addresses "live-work" units, currently, there are none constructed within the City. With the introduction of "live-work" units to our City through new/proposed projects, Staff is proposing to further define the "live-work" unit and development standards / regulations similar to other cities that currently have "live-work" units.

Title IX, Chapter 10, Section 2 of the Milpitas Zoning Ordinance includes a list of definitions for the chapter. A "live-work unit" is currently included as part of those definitions. The existing definition reads as follows:

"Live-Work Unit" means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant.

Staff proposes to further define the "live-work" unit. The new definition, if approved, will read as follows:

"Live-Work Unit" means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be owned and occupied by the same tenant. Live-work uses are allowed one non-residential employee, more customers, and a broader range of uses, than permitted in Home Occupations. See Section **10-13.12 within Special Uses** for Live-Work Unit purpose, intent, and regulations.

Examples of establishments covered by this designation include, but are not limited to:

- Art and craft work;
- Office only use;
- Accountant;
- Architects;
- Artists and artisans;
- Attorneys;
- Computer software and multimedia related professionals;
- Engineers;
- Fashion;
- Interior and other designers; and
- Commercial Service

Currently, the Zoning Ordinance does not identify specific regulations, restrictions, or standards for the operation of a live-work unit beyond the definition. Staff researched neighboring cities,

such as Sunnyvale, San Jose, Freemont, Campbell and Palo Alto. Attachment C. shows a summary chart of what nearby city regulations as a basis for developing the proposed Milpitas "live-work" unit regulations. Staff recommends the addition of "live-work" unit to Title IX, Chapter 10, Section 13-for Special Uses, to address regulations and standards for the city. This Section shall read as follows:

13.12 Live-Work Units

A. Purpose and Intent. The purpose of this Section is to control and regulate land use activities for the live-work unit. The intent of a live-work unit is to allow for small-scale business activities in residential uses which meet certain standards. No portion of the live-work unit may be separately occupied or sold. Live-work uses are allowed one non-residential employee, and a broader range of uses, than permitted in Home Occupations, and therefore are subject to granting of a conditional use permit to ensure compatibility.

B. Applicability. This Section shall apply to existing and new residential development that includes live-work units.

C. Review Requirements. Live-work units shall require the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Minimum Performance Standards

1. A business license and certificate of occupancy shall be obtained for every commercial space within the live-work units.

2. Only one live-work business is allowed per residential unit.

3. Living space shall occupy a minimum of 60% of the total gross floor area of the unit,

4. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to a residential use.

5. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.

6. The commercial component of a live-work unit shall be located on the first floor with the main entry facing the street or common pedestrian space. The residential unit shall have direct interior access to the commercial unit,

7. The residential unit shall provide additional exterior access to the main residential unit that is not through the commercial component.

8. Exterior Appearance: The commercial component of the live-work unit shall have a commercial, store front appearance located on the 1st floor of the home.

9. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage, or any accessory structure. Commercial outdoor storage use not permitted.

10. Shall demonstrate compliance with parking per Section 53 for required parking spaces.

11. Sign size, location, illumination and materials, shall be consistent with the architectural building design and approved through the live-work conditional use permit and sign program.

12. Business shall not involve the use of hazardous materials or produce medical or hazardous waste, except that de minims amounts of essential hazardous materials will be subject to the review and approval of the Milpitas Fire Department. Specific conditions, as well as permitting, disclosure, and periodic inspection requirements, will be a part of any approval granted. Classes of materials that are prohibited include: 1-A flammable liquids, pyrophoric, unstable, reactive, toxic, highly toxic, or explosive materials including fireworks and small arms ammunition; flammable combustible, corrosive or oxidizing solids, liquids and gasses; organic peroxides and cryogens.

13. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit

14. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Environmental Health Standards. The Market shall maintain in good standing all necessary health permits for the operations of the Market and shall be responsible for requiring all vendors be in possession of necessary health permits for all products sold.

15. The commercial use shall not create external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

E. Prohibited Uses

1. Any use not permitted within the underlying zoning district along with the following:
    a. Adult-oriented businesses;
    b. Astrology;
    c. Palmistry;
    d. Massage;
    e. Sauna or Spa;
    f. Pharmacy or drug store
    g. Head/smoke/tobacco shop;
    h. Tattoo and Piercing;
    i. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
    j. All vehicle related uses such as auto sales, repair, or maintenance of vehicles including boats, motorcycles, or recreational vehicles;
    k. Places of Assembly;
    l. Group Instruction;
    m. Club or Social Organization;
    n. Religious Assembly;
    o. Educational Institutions;
    p. Motion picture theaters; and
    q. Sit Down Restaurants

See Attachment C, for a summary of regulations for other Cities within the County.

Parking

Neighboring cities vary on parking regulations. Some cities do not require additional parking, as where other cities require additional parking based upon the square footage of commercial being proposed. See Table 1 below summarizing nearby city regulations.

Table 1
Parking Regulations Comparison Table

Sunnyvale	San Jose	Campbell	Palo Alto
No Special regulations	1 parking space per unit	3 parking spaces per unit	A maximum total of two spaces for the residential unit, plus on space per 200 square feet for the gross square footage of the work area, less one space from the total (to reflect the overlap of the resident and one employee.)

Staff recommends applying the same residential requirements for the home with the addition of 1.5 parking spaces for the commercial component. The parking requirements will be addressed in Title IX, Chapter 10, Section 53 for Off Street Parking and will read as follows in Table 2 below:

Table 2
Number of Parking Spaces Required

I. Residential Uses	
Live-Work Units	*Single family and Duplexes* parking requirements shall apply, plus 1.5 for the commercial component
Single Family and Duplexes:	
3 bedrooms or fewer	2 per unit[4]
4 or more bedrooms	3 per unit, plus 1 per each additional bedroom[4]
Multi-Family (R3-R5 zones):	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
1 or more 2 - 3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered).[4]
Guest parking	
Projects with Parking structures	15% of the total required, may be uncovered
Projects with Private garages	20% of the total required, may be uncovered
Bicycle parking	5% of the total required

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The Town Center designation, according to the general plan, states that it should provide for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. The general plan lists Land Use Principles and Policies to help enforce the intent of the general plan. The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 3
General Plan Consistency

Guiding Principles and Implementing Policies	Consistency Finding
2.a-G-2: Maintain a relatively compact urban form.	**Consistent**
2.a-G3. Provide for a variety of housing types and densities that meet the needs of individuals and families.	**Consistent**
2.a-G-4: The Town Center will be the "heart" of Milpitas' civic, cultural, business, and professional life.	**Consistent**
2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas' identity and image.	**Consistent**

The addition of "live-work" units within the Town Center Zoning District is consistent with the General Plan in that "live-work" units provide a new type of housing and a compatible transition from single-family homes to commercial, cultural, and civic uses. This use will support the distinctive identity and image envisioned by the General Plan for the Town Center area.

Zoning Ordinance
The purpose and intent of the Town Center Zoning District, according to the Zoning Ordinance, is to provide for an area that supports a wide range of administrative, business, entertainment, residential, dining, and cultural activities in the geographic center of the City to suit the varying lifestyles of residents and visitors alike. The Town Center allows a variety of residential densities ranging from 1 to 40 dwelling units per acre. The "live-work" type of residential use meets the intent of the zoning district in that the live-work" units will support both the residential and commercial/cultural/administrative/business type of uses and provides a compatible and complementary transition between the uses.

ENVIRONMENTAL REVIEW
Staff an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt from further environmental review pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects, which have the potential to cause a significant effect on the environment. This project consists only of a text amendment to the Zoning Ordinance.

PUBLIC COMMENT/OUTREACH
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION
The proposed Zoning Text Amendment will update the City Code and allow for a compatible use within the Town Center Zoning District. The proposed use is consistent with the intent of the General Plan and Zoning District and will be a aesthetically harmonious with all uses in the zoning district.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. 13-015 recommending approval to the City Council.

Attachments:

A. Resolution No. 13-015
B. Underline and Strikeout of Amendments
C. Live-Work Regulations in other Santa Clara County Cities Chart

B

UNAPPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

Wednesday, April 10, 2013
6:30 pm

I. ROLL CALL

Present: John Luk and Garry Barbadillo
Staff: Tiffany Brown, Diana Pancholi and Joann DeHerrera

1. PUBLIC HEARING

Minor Site Development Permit No. MS13-0009

a. Tiffany Brown, Assistant Planner, presented a request to hold a one-day special event in celebration of the National Day of Prayer on May 2, 2013, between the hours of 7:00 - 9:00 pm at the Milpitas Sports Center Football Stadium at 1325 E Calaveras Blvd. Applicant: Daniel J. Griffiths.

(Staff Recommendation: Approve permit number MS13-0009 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

Minor Site Development Permit No. MS13-0013

b. Diana Pancholi, Project Planner, presented a request to construct a new 1,179 sq.ft storage enclosure at 275 S. Hillview Drive. The purpose of the proposed structure is to facilitate the use of the existing FAB building as an HCL & N20 bulk dispensing bunker. Applicant: Enrique Aceves, Linear Technology

(Staff Recommendation: Approve permit number MS13-0013 subject to the attached conditions of approval).

Motion to approve the project subject to conditions of approval.

M/S: Luk / Barbadillo

AYES: 2

NOES: 0

ABSENT: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:37 p.m.

UNAPPROVED

PLANNING COMMISSION MINUTES
Wednesday, April 10, 2013

I. PLEDGE OF ALLEGIANCE

Vice-Chair Ciardella called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Larry Ciardella, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin and Demetress Morris

Absent: Sudhir Mandal and Gurdev Sandhu

Staff: Ah Sing, Brown, Erickson, McHarris, and DeHerrera

Alternate Commissioner: Commissioner Morris was seated as a member of the voting body.

III. PUBLIC FORUM

Vice-Chair Ciardella invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Robert Marini, Milpitas resident, would like to ask the Commission to have the City install a sidewalk connection from Calaveras Blvd. on the west side of Abel Street The lack of sidewalk requires a pedestrian to cross the street go up a few blocks and then cross back to the street to where the sidewalk begins. This will create a direct path on the west side of Abel Street.

Rob Means, Milpitas resident, shared information from article in Scientific America regarding climate change indicating that pollution and rise in temperature rates have been underestimated. Mr. Means feels that the City of Milpitas needs to accelerate our response to this issue.

IV. APPROVAL OF MINUTES

Vice-Chair Ciardella called for approval of the March 27, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Mohsin / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

V. ANNOUNCEMENTS

Steven McHarris, Planning Director, reminded the commissioners about the Commissioner's Recognition Luncheon to be held this Saturday, 4/13/13, 12:00 noon at the Milpitas Community Center. Planning Director McHarris mentioned that staff enrolled the commissioners as members of the American Planning Association. Commissioners will start receiving quarterly newsletters and will be informed of APA events and training opportunities.

Vice-Chair Ciardella announced an upcoming Affordable Housing Tour in Milpitas sponsored by Silicon Valley Leadership Group, on Saturday, May 18, 2013, and encouraged commissioners to attend. The Leukemia & Lymphoma Society is holding a car wash in the Safeway parking lot from 10am to 5pm this Saturday, 4/13/13. The Spring Valley Volunteer Fire Department will hold an event, "Champions of Hope", at 8:00 pm, Saturday, 4/13/13. The proceeds from these two events will benefit cancer research.

VI. CONFLICT OF INTEREST

City Attorney, Mike Ogaz, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Vice-Chair Ciardella asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the April 10, 2013 agenda as submitted.

M/S:	Madnawat / Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

VIII. CONSENT CALENDAR

There were no items on the consent calendar

IX. PUBLIC HEARING

IX-1

ZONING TEXT AMENDMENT NO. ZA13-0002

Tiffany Brown, Assistant Planner, presented a request to amend the text within the Zoning Ordinance to incorporate Live-Work units as a conditionally permitted use within the Town Center Zoning District, introduce Live-work specifications under Section 13 for special uses, and further define Live-work units in Section 2 for definitions. Applicant: Doyle Heaton, DRG Builders Inc.

At the Planning Commission meeting of March 27, 2013, the Commission recommended approval of a project with four live-work units, contingent upon preparation of a zoning text amendment to accompany the project for City Council consideration. Ms. Brown reviewed site development criteria for neighboring cities that incorporate live-work units and further discussed what may be appropriate for the City of Milpitas

The current definition of live-work unit was described as: "Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant." Ms. Brown proposed to define the live-work unit as follows: "Live-Work Unit means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be owned and occupied by the same tenant. Live-work uses would allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations." The Special Use Section further defines the purpose and intents, applicability, review requirements, permitted and prohibited uses and minimum performance standards.

Ms. Brown reviewed The Economic Development Commission's (EDC) comments on Section 10-13.12 (D): minimum performance standards #2 and #12. Standard #2 – The EDC did not want to limit the business to one business per space. Staff checked with other City departments and all agree there is no adverse impact to allow more than one business to a unit, and staff recommends deleting the standard. Standard #12 – The EDC felt use limitations may be too restrictive. Staff worked with the Fire Department to ensure safety within a live-work location and changed this standard.
If the Commission recommends approval of the Zoning Text Amendment, this item will go to the City Council on May 7, 2013, concurrently with the 375 Los Coches residential project.

Recommendation – Adopt Resolution No. 13-015 recommending approval by the City Council, along with the EDC recommended changes.

Commissioner Madnawat – Asked the City Attorney for clarification of the wording in Section 5 – "live-work units allow one non-residential employee". Does it mean a business can only have one employee; or if a business has more than one employee, but that at any given time, only one employee can occupy the work space? Also, why is there the restriction for only one non-residential employee in the unit?

Mike Ogaz, City Attorney – Indicated that the provision limits one non-residential employee and one employee could occupy and conduct business in the unit. An employee who incidentally drops by would probably not be considered an employee within the space. This would be based upon the circumstances.

Tiffany Brown, Planner – Stated that the intent of the use was so that the owner is the business operator. The size of the space is limited which affects the parking requirements.

Commissioner Madnawat – In the same section defining live-work unit states the live-work unit must be "owned and occupied" by the same tenant What is the reason for this requirement and what was it based on?

Tiffany Brown, Planner – Indicated the wording was based on discussion by staff, examples from other cities, and defining the intent of live-work.

Commissioner Barbadillo – On 3/27/13, the Planning Commission approved the housing proposal and at that meeting the issue of live-work concept was approved. Now there is a proposed amendment to the existing zoning text. Shouldn't defining the ordinance be done first then the application to a project? It seems that staff is trying to fit a zoning ordinance to a specific project and that by doing it this way, hopefully it does not open the way for future projects to be handled this way.

Steven McHarris, Planning Director – Stated that the proposed zoning amendment would normally be completed prior to considering a live-work project. However, changes to the Los Coches project required the proposed zoning amendment at this time. The Commission placed a condition of approval to prepare such zoning amendment in order to be able recommend the complete project to the City Council.

However, staff is presenting the zoning amendment which would apply to the entire Town Center zone. The existing zoning text was insufficient for live-work projects. This amendment will allow future live-work projects to be processed more efficiently. This live-work amendment would apply city-wide to any zoning district where a live-work could be permitted or conditionally permitted.

Public hearing

Ed McGovern, representing Doyle Heaton. The applicant is in support of this resolution and wants to accommodate staff's concerns and recommended changes to the project.

Carol Kassab, Milpitas Chamber of Commerce – Asked for clarification on Section 6-D, Minimum Performance Standards #3 and #4. Standard #3 states the commercial component as designated on the floor plan and approved through the conditional use permit cannot be converted to residential. Standard #4 states a residential use cannot be converted to commercial. As an owner, would I be precluded from selling the live-work unit to someone who wanted it strictly for residential?

Steven McHarris, Planning Director – Stated that the unit would need to remain as "Live-Work" and could not be converted to only residential use. The new owner may elect to keep the work area vacant.

Motion to close the public hearing.

M/S: Madnawat/Mohsin

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Commissioner Madnawat – Expressed several concerns: 1) The description of a live-work unit only allows one residential employee, which staff stated would apply to live-work units city-wide. If a larger live-work unit was constructed someplace else within the city, would an owner be restricted to one residential employee? 2) The wording "owned and" greatly limits marketability of the unit. Only another small business who wanted to both live and operate their business in the unit would be interested in buying it. What benefit is there for this restriction? Should the unit be foreclosed on, then the owner "now the bank" would not be living there. Commissioner Madnawat would like to eliminate this wording "owned and" from the live-work definition to allow a different ownership from the occupant.

Commissioner Mohsin – All the possible live/work alternatives need to be analyzed. Otherwise, an owner would be severely limited.

Mike Ogaz, City Attorney – Mr. Ogaz then clarified that the current language does in fact restrict the unit in that the owner needs to occupy the unit and also use the commercial component. There is some merit to leave the wording as originally written; however, it would also be OK with Commissioner Madnawat's recommendation.

Steven McHarris, Planning Director –When staff analyzed the use, staff also considered the required the parking. As an owner and resident of a live-work unit, the resident, who would operate the business, would not impact the parking count if they did not lease the commercial component. Mr. McHarris agreed with Commissioner Madnawat's concerns about omitting "owned and" from the definition.

Commissioner Luk – Indicated that if other cities have the restriction that live-work units need to be owned and occupied by the same person, then he agrees with the current wording.

Tiffany Brown, Planner – Emphasized that the list of definitions in the zoning ordinance is a list that applies to the entire zoning ordinance. The zoning text amendment for the special uses for live-work only applies to those zones that conditionally allow live-work units. Current zones that conditionally allow for live-work are R3, R4 and R5, which are high-density zones, and if this project is approved, it would also apply to Town Center.

Commissioner Barbadillo – Asked if this ordinance passes with staff's recommendation, wouldn't it a violation of property rights?

Mike Ogaz, City Attorney – Indicated that all land use restrictions impose restrictions on use of property. But that the use restrictions need to be reasonable and not be so restrictive to constitute a "taking".

Commissioner Madnawat – Inquired how he could word an amendment to the resolution that instead of restricting the number of non-resident employees in a live-work unit to one, that the number of non-resident employees is based on the square footage work space of the unit, assuming that larger units could be constructed elsewhere in the city.

Mike Ogaz, City Attorney – Stated that this type of amendment would be difficult to prepare at this time. Staff would need to bring this back to the commission after further review.

Motion to adopt *Resolution No. 13-015, recommending approval to the City Council as amended, with the exception to remove the term "owned and" from the live-work definition in Section 5.*

M/S:	Madnawat / Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

IX-2

GENERAL PLAN AMENDMENT NO. GP13-0002: CLIMATE ACTION PLAN

Sheldon Ah Sing, Senior Planner provided a review and updates to the Climate Action Plan (CAP) that was presented during a study session at the March 20, 2013 Planning Commission meeting. The CAP is a result of collaboration of multiple stakeholders and is consistent with the emissions reduction framework established by State law and BAAQMD. It will allow for streamlining of discretionary projects subject to CEQA to create quantifiable GHG emissions reduction goals.

Climate Action Plan benefits are: One stop for GHG analysis and mitigation under CEQA; provides transparency in the review process; outlines appropriate measures for new projects; identifies preferred localized GHG mitigation strategies; streamlines CEQA review for projects consistent with this CAP.

Reduction summary: Mandated target is 15% below the baseline, with our actual target of 16.2%. Local reduction need is 80,000 MTCO2e. Reductions achieved (existing & CAP measures) – 87,450 MTCO2e. Goals are to continue reduction of existing activities along with those new measures set by the CAP. There has been public outreach with comments from VTA, Sierra Club and Bay Area Management District. Staff will provide annual reports to the Council and Planning Commission and will continue to have dialogue with the stakeholders. No other changes are planned at this time. The project is consistent with the General Plan. An amendment is proposed to integrate the reduction target into the General Plan. A negative declaration was circulated and staff received no comments.

Recommendation – Adopt Resolution No. 13-014 recommending approval of the project as amended to the City Council.

Commissioner Madnawat – Asked how is the volume of gas emissions quantified from the cars that pass through Milpitas? How will the City enforce emission reduction for vehicles that come here from other cities?

Jeff Henderson, PMC consultant – The traffic that is included in the emissions inventory is based on the City of Milpitas' traffic model and the land use forecast embedded is in the General Plan and based on the General Plan. Trips that begin or end within Milpitas are part of the calculation. Pass-through trips that begin and end outside of Milpitas are excluded from the calculation. Trips that are shared by another jurisdiction split the calculation. The length of travel and speed of travel and type of vehicles are equated for different vehicle types. The reduction is achieved through State programs that set the emission regulations and compliance.

Motion to open the public hearing

M/S:	Morris / Mohsin
AYES:	6
NOES:	0
ABSENT:	2 (Mandal, Sandhu)
ABSTAIN:	0

Rob Means, Milpitas resident – Shared his thoughts about the CAP and three highest priorities for change that stood out: 1) Distributed renewable energy generation to get off carbon-based fuel; 2) A sustainability manager to monitor the CAP; 3) Potential of automated transit network technology. He encouraged the Commission to emphasize these three areas.

Marco Goithia, Student at SUSU and Sierra Club member – Commented on pages 4-5 of the staff memorandum citing an amendment to measure 10.5 gas tax, and questioned why it was deleted. It was a good way to produce public awareness and directly impacting people on the affects of green house gases.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Motion to adopt Resolution No. 13-014 recommending approval of the project to the City Council

M/S: Madnawat / Morris

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

IX-3

GENERAL PLAN AMENDMENT NO. GP12-0002, SPECIFIC PLAN AMENDENT NO. ST12-0002, ZONING AMENDMENT NO. ZA12-0003, PLANNED UNIT DEVELOPMENT NO. PD12-0002, MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0001 & CONDITIONAL USE PERMIT NO. UP12-0010: PRESTON PROPERTIES RESIDENTIAL PROJECT

Sheldon Ah Sing, Senior Planner, presented a request to change the General Plan, Specific Plan and Zoning land use designation from Heavy Industrial (M2) to High Density Multi-family Residential (R3) with Planned Unit Development. The project is a re-zone of 16.6 acres. The applicant proposes 213 dwelling units (95 detached and 118 multi-family homes) with on- and off-site improvements. A Draft Environmental Impact Report (EIR) has been circulated for the project located at 133, 225, 227-261 Bothelo Lane. Applicant: KB Home.

Mr. Ah Sing presented the project overview as being submitted on October, 2011; and in December 2011, the applicant initiated the EIR. The last submittal was in May 2012, the draft EIR was circulated between November and December 2012. The project deficiencies were reviewed as follows: The Union Pacific authority supersedes the City's which does not allow the City to rectify any complaints; the adjacency to the freight yard and rail yard operations and activities; the lack of connectivity to the greater Milpitas community and connection to Main Street per the Midtown Specific Plan; and difficulty making the required findings for entitlements.

Mr. Ah Sing stated that the project is inconsistent with the General Plan, Mid-Pacific Plan, surrounding areas and general welfare concerns. The draft EIR contains errors regarding circulation, land use and hazardous materials. The closest railroad track is 50 feet away, and hazardous materials are stored and transported on the rail road property without any input from the City because Union Pacific operates under the authority of the federal government. Union Pacific has communicated that they will expand the freight yard area operations with taller, more luminous lighting, which facilitates their night-time operation.

Comments have been received on the proposed project from the Regional Water Quality Board, the School District and Santa Clara Valley VTA; the school district opposes this project. The City has learned from the Parc Metro project that was built close to the railroad tracks at Curtis Street, resulting in railroad operation related resident complaints. Staff recommends the Planning Commission recommend the City Council deny the proposed project based primarily on the site location being surrounded by each of the identified incompatible land uses and operations.

(Recommendation – Adopt Resolution No. 13-013 recommending denial of the project to the City Council)

Ray Panek, Sr Vice-President for KB Home-Forward Planning, San Ramon –. Stated that the draft EIR is a KB Home initiated report, but under CEQA, the City is the responsible agency for the report. Any discussion with the EIR consult has been through City staff. The draft EIR did not identify any environmental impacts that could not be mitigated to a level of insignificance. **Mr. Panek** referred to land use statements in the draft EIR pages 3.8-11 through 3.8-29, "Analyses of the City's EIR preparer finds the proposed project consistent with General Plan policies and they are consistent with those policies either as the project is proposed or with mitigation."

Mr. Panek commented that the draft EIR identified consistency with the goals, objectives and policies of the Mid-Town Specific Plan. He stated that the multi-family high-density residential and architectural overlay, R3 standards, parks and public open space development standards and parking standards required no mitigation, and that there are no cumulative impacts generated by the project, and it is not considered growth-inducing. There was a review of the Carlos Street extension in which the draft EIR did not identify significant project impacts. **Mr. Panek** mentioned the recently-approved Braddock and Logan project is located in close proximity to railroad tracks and questioned the distinction with their project.

Mr. Panek provided his recommendation to the Planning Commission as follows: continue the public hearing and direct staff to complete the CEQA process by preparing the final EIR; direct staff to accept the updated Vesting Tentative Map (VTM); and bring the final EIR and the updated project application and VTM to the Planning Commission for recommendation to the City Council for approval.

Arminta Jensen, representing Ruggeri-Jensen-Azar, in Gilroy – Gave an overview of the project with the different amenities. The project consists of 213 units with parking, a paseo, and three open spaces. There is a proposed 2-way bike path along Ford Creek and a walkway through the project that connects the path to the public trail. All units will have two-car garages with 99 additional parking spaces in addition to the required parking for the site. The detached homes have a shared side yard with a sound wall. The HOA will manage the waste collection from the houses to be picked up in one location.

There would be two vehicular accesses into the site – from Railroad Avenue and Hammond Way with access gates. Access has been reviewed by the Fire Department. Ms. Jensen also discussed the off-site pedestrian and bicycle circulation and connectivity to with new sidewalks. Ms. Jensen quoted from the draft EIR, page 3.10-11 – 12 regarding emergency response to the site stating that access would meet the required response time.

Motion to open the public hearing

M/S: Mohsin / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Henry Santos, Lester Lane, Los Gatos – Mr. Santos owns property near this location and expressed several concerns about approving the project. It will cause more traffic congestion and more demand on the already low water supply. He also feels that the project should not be allowed to use Sinnot Lane. Mr. Santos stated that he and other property owners contributed 25 ft of their land in order to get this lane built. He also mentioned that on his property he use to dig down two or three feet and would see water come up in the winter.

Rob Means, Milpitas Resident – The proposed project would be adjacent to the new BART lines that will be running about every six minutes once it is fully operational. Trains are required to blow their horn at street crossings, which will be excessively noisy for residents. There are complaints from residents who live in the Parc Metro area about the noise from trains. This project site is less than 18 ft above sea level; and in the long term, property will be impacted by sea level rise due to global warming. Mr. Means feels the Commission owes it to future homeowners to approve good places for Milpitas residents to live.

Nastasia Hammer, Milpitas resident – Agrees that the proposed project should not be built. It is too close to the rail road operations and we need more recreational sites, open space and not more high-density homes. The housing will adversely affect the schools.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Commissioner Madnawat – Inquired if Railroad Avenue would be able to handle the traffic. Staff stated yes, it would be able to handle the traffic.

Brian Sturdivant, City of Milpitas Fire Chief – The Fire Department's concern revolves around the activity at the rail yard rather than the response time. There had been two minor Hazmat releases in 2007 and 2009, and the risk still remains. There are two high-pressure pipelines, a jet fuel line and PG&E gas lines that run through the area. Fire Prevention staff conducted a simulated time stamp into the proposed project site. As stated in the EIR, access meets the four (4) minute response time.

Albert Zamora, City of Milpitas Fire Marshal – The City does not have control over the railroad operations or identification of hazardous materials on-site or passing through. There are two companies that currently use the rail to transport toxic chemicals and gases which will pass through this area.

Motion to table the matter to a later time and continue to work with staff.

M/S: Morris / Mohsin

AYES: 2 (Morris, Mohsin)

NOES: 3 (Barbadillo, Ciardella and Madnawat)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

Commissioner Madnawat – Stated that the difference about this site compared to other housing projects in this area is that it is surrounded on all sides by unfavorable uses. Having housing in this location would not provide the quality of life that we, as a city, should be providing to people coming to live here. People would not find this site desirable. **Commissioner Madnawat** proceeded to make a counter motion:

Motion to adopt Resolution No. 13-013 recommending denial of the project to the City Council

M/S: Madnawat / Barbadillo

AYES: 3 (Barbadillo, Ciardella and Madnawat)

NOES: 2 (Morris, Mohsin)

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 1 (Luk)

X. NEW BUSINESS

X-1

PRESENTATION OF THE PROPOSED 2013-18 CAPITAL IMPROVEMENT PROGRAM (CIP):

Steve Erickson, City of Milpitas Capital Improvement Program Manager - Provided an overview of the Proposed 2013-18 Capital Improvement (CIP) Annual Report. He reviewed the purpose of the CIP, highlighted accomplishments of last year, proposed projects for the next five years, summary of projects and staff recommendation.

The purpose is to have a finding that the 5-year CIP is in conformance with the City's General Plan and recommend adoption by the City Council. Last year's accomplishments within budget and on time were: Exterior improvements to Fire Station #1; upgraded audio visual equipment at City Hall; completed Alviso Adobe park renovations; S. Milpitas Blvd. pavement overlay; Cape Seal resurfacing project in the NE area of Milpitas; pedestrian and bicycle enhancement along Escuela Parkway; Abel Street transit connection improvement; completed emergency project for the Ayer Water pump station; installed a solar photovoltaic system at the Main Sewer Pump Station, at the Milpitas Sports Center and at the Gibraltar Pump Station.

The next five-year proposed funding summary: Community improvements: City building facilities, the Milpitas Sports Center, Police/Public Works building – repair & replace aging generator transfer switch and building improvements. Park projects: Pinewood Park renovation, Higuera Adobe Park renovation, City parks irrigation system repair and improvements. Street projects: Planned is a 2013 – 2014 pavement resurfacing program, street landscape irrigation improvement, and McCarthy Ranch landscape and lighting district improvement project from 237 to Dixon Landing Rd. Utilities (water, sewer and storm) projects: Dempsey Rd waterline replacement project, Cathodic protection improvement to the Tularcitos and Minnis water tanks, and in the Sunnyhills area a pressure release valve project.

(***Recommendation: Find the Proposed 2013-18 in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council).***

Motion to open the public hearing

M/S: Morris / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Rob Means, Milpitas Resident – One of the projects in the CIP is the crossing of the railroad tracks to connect Yosemite and Curtis**.** When the project was first talked about years ago the price to construct the crossing was about $3 million; and now the projected cost has greatly increased. Mr. Means feels that the cost could be much less by using new alternative transportation technology like PRT. He would like the Commission to recommend to City Council to focus on this project; and rather than waiting five years, get started earlier by moving the EIR into the current fiscal year.

Vice-Chair Ciardella – Asked staff if the City could get in contact with local landscape design schools to see if they would be interested in a contest to design the Main Street city park or to provide ideas / conceptual design and a licensed professional could review the design.

Kathleen Phalen, Acting Public Works Director – Indicated that generally the City contracts with licensed professions who have errors and omissions insurance to prepare designs to meet plans specifications. The idea about using a design school for conceptual design could be a possibility.

Motion to close the public hearing.

M/S: Madnawat / Luk

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

Motion: Find the Proposed 2013-18 Capital Improvement Program in conformance with the General Plan and Recommend the Proposed Capital Improvement Program to City Council.

M/S: Mohsin / Morris

AYES: 6

NOES: 0

ABSENT: 2 (Mandal, Sandhu)

ABSTAIN: 0

XI. ADJOURNMENT

The meeting was adjourned at 9:30 pm to the next meeting of April 24, 2013.

Motion to adjourn
M/S: Madnawat / Luk

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

Joann DeHerrera
Recording Secretary

AGENDA ITEM: XI-1

C

MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING Meeting Date: March 27, 2013

APPLICATION:	**MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0003, CONDITIONAL USE PERMIT NO. UP12-0016 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA12-0005**
APPLICATION SUMMARY:	A request to demolish an existing 19,600 square foot building with associated parking and construct 28 new single family residential units and with four live-work units, totaling in 2,000 square feet of commercial, along South Milpitas Boulevard on an approximate 2.7 acre site.
LOCATION:	375 Los Coches (APN 086-39-001 and 86-39-002)
APPLICANT:	DRG Builders Inc., Doyle Heaton, 3480 Buskirk Ave, Ste 260, Pleasant Hill, A 94523
OWNER:	Genesis United Methodist Church Inc, 1620 Oakland Road Ste D103, San Jose, CA 95131, Less Properties LLC, 1309 Laurelwood Road, Santa Clara, CA 95054
RECOMMENDATION:	**Staff recommends that the Planning Commission: Adopt Resolution No.13-011 recommending approval to the City Council subject to the conditions of approval.**
PROJECT DATA:	
General Plan/ Zoning Designation:	Town Center (TC)/ Town Center with Site & Architectural Overlay District (TC-S)
CEQA Determination:	In accordance with California Environmental Quality Act (CEQA, Public Resources Code Section 15070(b), An Environmental Impact Assessment No. EA12-0004 was prepared and circulated between November 20, 2012 and December 11, 2012. Subsequently, the applicant proposed modifications to the project description including deletion of one single family residence and addition of 2,000 square feet of live-work commercial that have been determined to require no additional mitigation measures and no significant impact, requiring no recirculation of EA12-0005 per Section 15073.5(c)(4) of CEQA..

PJ#: 2792

PLANNER: Tiffany Brown, Assistant Planner

ATTACHMENTS:

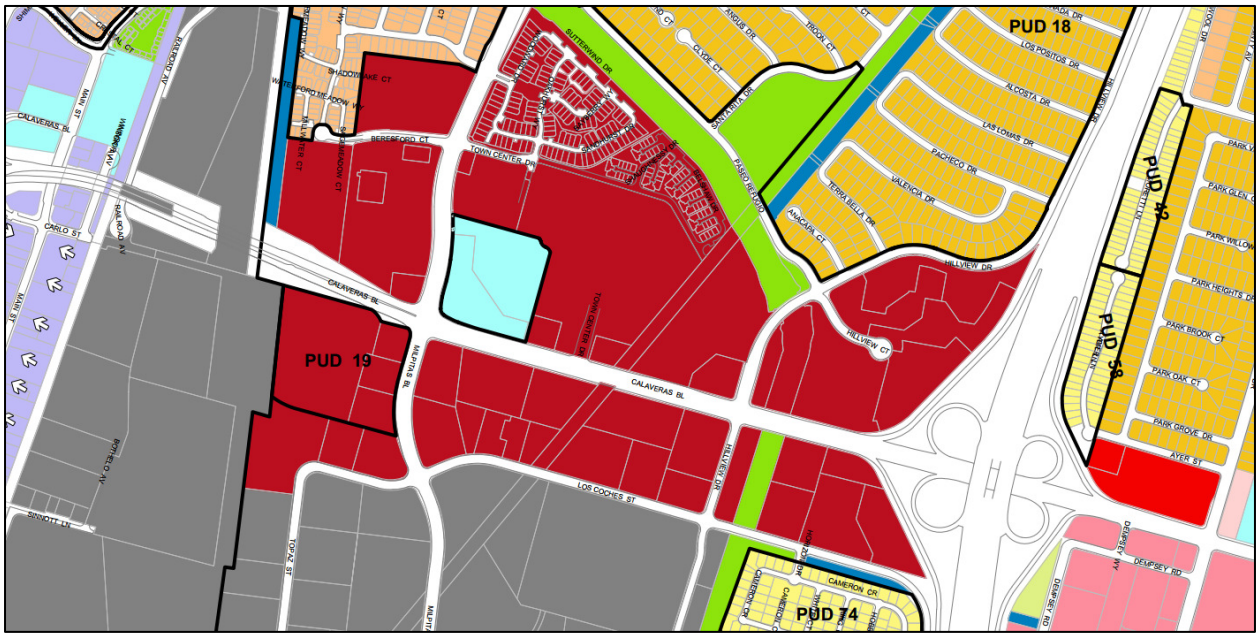
A. Resolution No. 13-011
B. Site plans
C. Letter from School District
D. Environmental Impact Assessment
E. Phase I
F. Traffic Study
G. Noise Study
H. Risk Assessment
I. Greenhouse Gas/ Air Quality
J. TALU Meeting Minutes January 24th
K. TALU Meeting Minutes April 18th

LOCATION MAP

Project Site

No scale

ZONING MAP



Town Center Zoning District

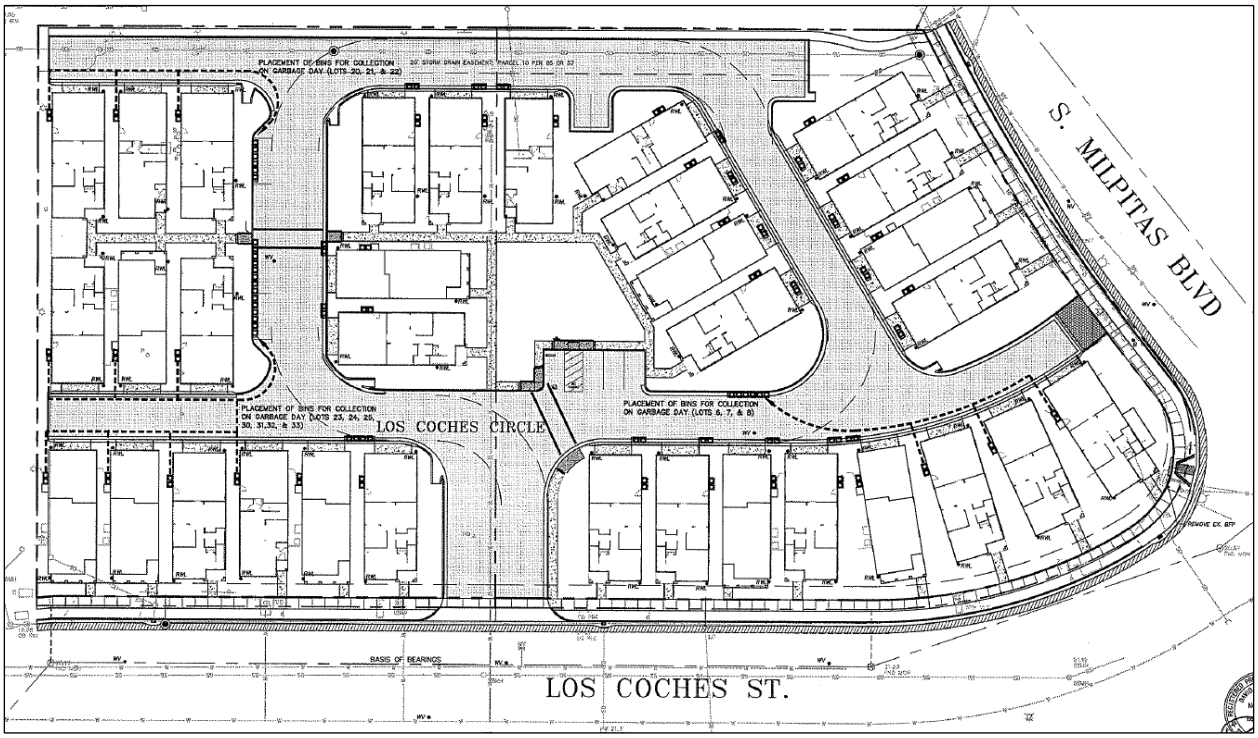
BACKGROUND

On September 21, 2010, the City Council reviewed and approved a zone change from Industrial Park to Town Center for properties south of West Calaveras in between Calaveras and Los Coches Street. The Town Center zoning district identifies a variety of uses that may be allowed or conditionally allowed including business and medical offices, commercial retail, and residential. Residential is a conditionally permitted use, meaning that the City considers residential as a special use which may be essential or desirable to the community, but which is not allowed as a matter of right, through a public hearing process. The conditional use permit provides flexibility so that the City has the discretion to approve or deny a proposed residential use, based on written findings of fact.

In December of 2011, Doyle Heaton with DRG Builders submitted a Preliminary Application for a request to demolish an existing 19,600 square foot building with associated parking and construct 33 new single family residential homes on approximately 2.7 acres. Staff identified specific concerns with single-family residential abutting South Milpitas Boulevard, such as General Plan inconsistency related to land-use incompatibility of single-family residential use along the heavily-traveled arterial corridor (South Milpitas Boulevard), and the loss of future commercial opportunity along the South Milpitas Boulevard./Los Coches intersection. DRG Builders continued the proposal for single-family residential without introducing a commercial component. In response, staff scheduled the proposed project to be reviewed by the Transportation and Land Use Subcommittee (TALU) on January 24, 2012. The TALU is a subcommittee of the City Council with the role of providing further transparency and public input into the development review process regarding land use and development project issues. The TALU's responsibilities do not include direct decision making authority or direction that would circumvent the public hearing process for future discretionary actions of the Planning Commission or City Council. The TALU discussion for the proposed project is summarized as follows: (See Attachment J and K for TALU meeting minutes)

- Loss of Redevelopment Agency revenues
- Jobs-Housing balance
- Fiscal impact
- Move the project forward in the best interest of the City

Staff continued to process the proposed project through March 2012, addressing site design and incorporating commercial use into the proposed project. Staff reviewed traffic flow, safety, general plan consistency, and compatibility of single family residential land use along South Milpitas Boulevard. Discussion also included incorporating the proposed project's internal pedestrian/vehicular circulation connectivity with an adjacent project by Braddock & Logan which was reviewed and approved by the City Council on January 15, 2013. The result of staff's review was shared with the project applicant. However, the applicant rejected any form of commercial land use for the project and requested a second TALU review.



On April 18, 2012, a second TALU review concluded that TALU was not opposed to residential along South Milpitas Boulevard. (See Attachment I for TALU meeting minutes). TALU discussion is summarized as follows:

- No strong opinion.
- High-density residential with retail of interest.
- Not opposed to houses; however, concern about busy and dangerous intersection location for homes.
- Ensure buffering from street intersection.

Communications between staff and the applicant leading up to the preparation for Planning Commission have included non-support for the project without a commercial use along South Milpitas Boulevard in the form of mixed use or stand alone, project review comments, and most recently, staff's intended recommendation for project denial without a commercial component. Staff scheduled the project to be heard at the January 9, 2013 Planning Commission meeting recommending denial of the project to the City Council. At the request of the applicant, the Planning Commission continued the item to February 27, 2013 and to March 27, 2013. On March 19, 2013, the applicant proposed deletion of one home and a modified design for the remaining four homes facing South Milpitas Boulevard. The design currently includes four Live-Work units along South Milpitas Boulevard, which incorporates a total of 2,000 square feet of commercial.

PROJECT DESCRIPTION

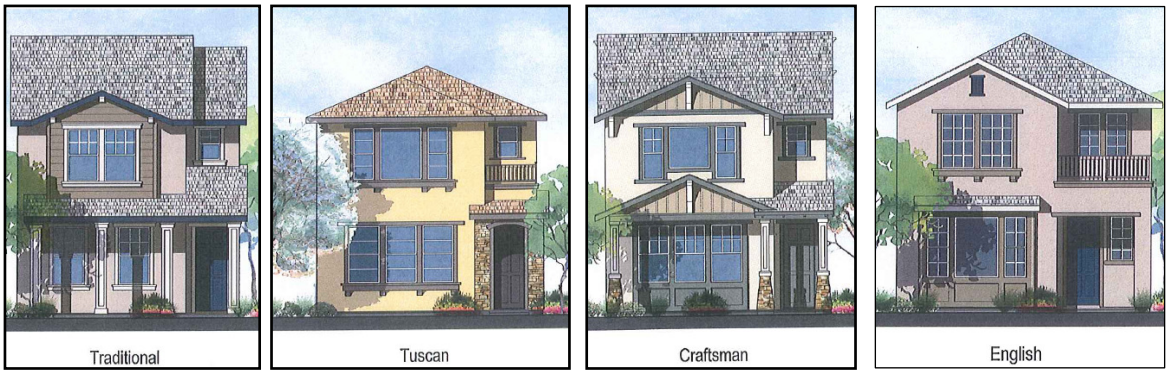
The project site, located at the corner intersection of South Milpitas Boulevard. and Los Coches Street, consists of two parcels. The first lot is vacant and is located at 345 Los Coches Street on a 1.50 acre parcel. The second lot contains a 19,600 square foot vacant Research & Development building with associated parking lot on 1.16 acres. The proposal includes a Major Tentative Map, a Site Development Permit, and a Conditional Use Permit to demolish the existing vacant building and parking lot, and construct 28 new single-family residential units and four live-work units across both properties equaling 2.7 acres. The types of businesses allowed within the live-work units will be office, administrative and business services including all uses allowed through the home occupation process.

There are two vacant buildings to the west that were reviewed and approved in January of 2013 for a residential development. Properties to the north are zoned Town Center and are currently professional offices. The property is bound to the east by South Milpitas Boulevard. and to the south is a business park zoned Heavy Industrial. A vicinity map of the subject site location is included on Page 3.

Architecture

The proposal includes the following two-story floor plans along with four new three story live/work units. The first floor plan is 1,652 square feet and includes three bedrooms (max) with a rear entry two car garage. The second floor plan is 1,734 square feet, three bedrooms (max) with a rear entry two car garage. For more detail on the floor plan, see Attachment B. for Site Plans.

Figure 1
Plan Types



The homes are proposed in four different architectural styles. The four styles include:

1. "Tuscan" features a stone veneer entry portal, small balcony above, and hipped roof.
2. "Traditional" features upper window wood siding appearance, full-width lower roof overhang, and minor front gable roof.
3. "Craftsman" features stone and wood pillar entries, lower and upper front roof gables with wood siding appearance, roof eave bracketing, and lower window wood panel surround.

4. "English" features lower wood like bay window and upper balcony. Window features are very similar to Tuscan and Craftsman.

For further details about styles and materials used, refer to Attachment B.

Each live-work unit includes 500 square feet for commercial on first floor, 1,800 square feet for residential living on second and third floor. The residential portion includes three bedrooms (max) and a rear entry two car garage.

Figure 2
Live-Work Front Elevations

The commercial live-work units include a standing seam metal roof with brick or stucco store fronts and architectural metal awnings. The residential portion of the unit is accessed from the front side of the building, and within the rear entry garage. The commercial portion is completely separate from the residential portion.

Under the City's Site and Architectural Overlay, the proposed project requires architectural review and special development standards beyond those for the underlying zoning designation. The Site and Architectural Overlay Zoning allows the Planning Commission to establish more stringent regulations than those otherwise specific for the Zoning District. Staff has identified the four residential architectural styles above plus the commercial store front live-work units facing South Milpitas Boulevard. In order to assure a quality project, staff has included conditions of approval, many of which are focused on architectural detail, quality materials, color, signage, landscaping, and lighting

Vehicular access

Primary site access will be from a main entrance along Los Coches Street. All traffic from the project will enter onto Los Coches Street. A Traffic Study was prepared by Abrams Associates and concludes that the proposed project will not create a significant impact on traffic for the major connecting streets such as:

1. Calaveras Boulevard / Abel Street
2. Calaveras Boulevard / Milpitas Boulevard
3. Calaveras Boulevard / Town Center Drive
4. Calaveras Boulevard / Hillview Drive
5. Milpitas Boulevard / Los Coches Street
6. Milpitas Boulevard / Turquoise Street

As discussed within the project background of this report, the applicant recently included a commercial component to the project. The project now includes 2,000 square feet of commercial. Staff calculated the additional trip generations that the commercial will add in accordance with the SANDAG Vehicular Traffic Generation based on average rates. The commercial will add 10 additional peak hour trips and the deletion of one single family residence will subtract two (2) peak hour trips for a net gain of eight peak hour trips to the original proposed project. According to the City's Traffic Engineer, the eight additional peak hour trips are insignificant and do not change the conclusion of the Traffic Study. Therefore, the addition of the commercial live-work component to the residential project is an insignificant modification and the project with the commercial live-work component will not have a significant impact beyond that identified within the Traffic Study by Abrams Associates.

Refer to the Environmental Impact Analysis or the Traffic Study for further information on traffic impacts.

<u>Pedestrian and Bicycle Facilities</u>
The proposed project includes sidewalks along South Milpitas Boulevard, Los Coches Street, and Topaz Street fronting the project site. Although the proposed plans show incomplete sidewalks on site, as conditioned, sidewalks will be required throughout the project site. Bicycle lanes are provided on Milpitas Boulevard in the vicinity of the project site.

Trail connections

Figure 3
Braddock & Logan Project Site Plan

Part of the project proposal includes creating a pedestrian trail connection to the adjacent 80-unit residential project, which would lead to a future trail along Wrigley Creek. Enhancements include an architectural stone portal with a trail identification sign and paved sidewalk with associated landscaping. This connects both residential projects and allows pedestrians a safe walkway along the Wrigley Creek Trail to the Beresford Shopping Center just north of Calaveras Boulevard.

Zoning - Development Standards

Table 1 below demonstrates the project's compliance with the City's Zoning Ordinance Development Standards.

Table 1
Development Standards

	Zoning Ordinance	Proposed
Density (Min-Max)	1-40 dwellings per gross acre	12 dwellings per gross acre
Setbacks (Minimum)	Determined through Site Development Permit process	See discussion below
Lot Coverage (Maximum)	None	Not applicable
Building Height (Maximum)	35 ft. or three stories	Two stories for Residential

	Zoning Ordinance	Proposed
		Three stories for live-work (Not to exceed 35 ft.)
Parking (Minimum) See discussion below.	85 spaces	84 spaces
Open space (Minimum)	0.66 acres (private) 0.99 acres (public)	0.86 acres (private)

Table 2 below demonstrates the typical yard setbacks.

Table 2
Typical yard setbacks

Setbacks (Minimum)	Typical Lot
Front Yard, Facing Milpitas Boulevard	15'+10' side walk & landscaping
Front Yard Facing Los Coches	6.5'+10'side walk & landscaping
Front Yard Interior residence	3.9' along public park 8.7'
Side Yard	3'(min)
Rear Yard	4'(min)

Although proposed on-site sidewalks are incomplete, sidewalks are required within the entire project. It does not appear that proposed setbacks would be reduced.

Parking, Traffic, and Circulation
Table 3 below demonstrates how the project complies with the City's parking standards. Each residence has a two-car garage.

Table 3
Parking Standards

Parking Ordinance	Spaces Required	Spaces provided
Three bedroom units	64	64 covered parking spaces (2 car garage)
Guest parking (20% of total required)	13	13 uncovered off street parking on site
Commercial Component	8	7
Total parking required	**85**	**Total provided: 84**

The project provides the required amount of parking through a combination of covered spaces in garages and on-street parking adjacent to the homes.

Recreational Open Space
According to Title XI (Zoning) Section 9 ("Improvements: Dedication of land or payment of fee or both, for recreational purposes"), of the City's Municipal Code, every applicant who subdivides land shall dedicate a portion of such land, pay a fee, or do both for the purpose of providing park and recreational facilities to serve future residents of such subdivision. The amount of recreational area is divided into public and private amenities.

The estimated population density for a detached single-family project is 3.99 persons per dwelling unit. When computing the formula, the project requires 0.66 acres of recreation space. A total of 0.40 acres is required for public recreation, while 0.26 acres is required for private recreational/useable open space.

Private recreational/useable open space
"Usable open space" means any open space, the smallest dimension of which is at least 4 ½ feet and which is not used as storage or for movement of motor vehicles. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. The project is providing a total of 14,072 square feet of private open space: 12,194 square feet of private open space and a 1,878 square foot tot lot.

Public recreational open space
The applicant has opted to pay $808,712.00 to the City's park in lieu fund. The contribution to the fund completes their obligation towards public recreational open space.

ADOPTED PLANS AND ORDINANCE CONSISTENCY

General Plan
The Town Center designation, per the general plan, states that it should provide for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. The general plan lists Land Use Principles and Policies to help enforce the intent of the general plan. The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 4
General Plan Consistency

Guiding Principles and Implementing Policies	Consistency Finding
2.a-G-2: Maintain a relatively compact urban form.	**Consistent**
2.a-G3. Provide for a variety of housing types and densities that meet the needs of individuals and families.	**Consistent**
2.a-G-4: The Town Center will be the "heart" of Milpitas' civic, cultural, business, and professional life.	**Consistent**

Guiding Principles and Implementing Policies	Consistency Finding
2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas' identity and image.	**Consistent**
2.a-I-21: Require development in the Town Center to conform to the adopted design principles/requirements of the Milpitas Redevelopment Agency.	**Consistent**
3.d-1-25: Where appropriate, require new development provide public access points to the trail system and/or contribute to staging areas.	**Consistent.**
3.d-I-27: Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.	**Consistent.**

The above-identified general plan principles and policies provide the basis from which staff has developed the project analysis and from which the Planning Commission must make its recommendation for project acceptance or denial. The project is consistent with the General Plan in that the project as a whole provides a variety of housing types (live-work, and single-family residential) within a more compact urban form than was originally proposed, and as conditioned will be architecturally distinctive and add to Milpitas' identity and image. It proposes live-work units with storefronts along South Milpitas Boulevard., which separates and buffers the residential homes from the heavily traveled arterial roadway (South Milpitas Boulevard).

Subdivision Map Act Consistency
The proposed project including its subdivision, design and improvements, is consistent with the General Plan, due to the proposed placement of live-work units along a heavily-traveled arterial roadway, which acts as a buffer and an appropriate transition to the proposed single-family residential which will achieve compatibility.

Zoning Ordinance Consistency
Under the City's Site and Overlay Zoning District, the proposed project requires site review. As conditioned and subject to the rezone contingency stated herein, the project conforms to the Milpitas Zoning Ordinance due to the proposed placement of the live-work units along South Milpitas Boulevard. which provides the proposed commercial use near other commercial and cultural uses and acts as a compatible transition to single-family residential.

The Milpitas Municipal Code does not allow for the establishment of uses having qualities which are not properly related to their sites, surroundings or environmental setting. Where the use is proposed, the Planning Commission may establish more stringent regulations than those otherwise specific for the Zoning District. The Planning Commission's decision should be based on evidence in the public record, concluding with findings of fact. Those findings are identified below.

Site Development Findings

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

Staff Comment: The project is found to be consistent with the finding due to the proposed placement of live-work units with the architecturally established store fronts facing South Milpitas Boulevard, and the transition of single-family residential away from the heavily traveled arterial roadway. The commercial storefront of the live-work units is compatible with neighboring properties and businesses.

2. The project is consistent with the Milpitas General Plan.

Staff Comment: The proposed project implements the General Plan's vision for the overlay district as an architecturally distinctive mixed-use town center complex which will add to Milpitas' identity and image as previously mentioned. (See Page 11 of this report)

3. The project is consistent with the Milpitas Zoning Ordinance.

Staff Comment: The proposed project with mixed-use structures along South Milpitas Boulevard, transitioning into single family residential, which will abut the recently approved 80 unit single family residential project is consistent with the Town Center Zoning District in that the placement of live-work units along a heavily-traveled arterial roadway and acting as a buffer and appropriate transition to the single family units and providing a more vibrant and appropriate use along South Milpitas Boulevard.

Conditional Use Permit Findings

1. The proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

Staff Comment: The proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare in that the proposed placement of live-work units provide a commercial use along S Milpitas Boulevard, which is integrates the project with the neighboring commercial and cultural uses which meets the intent of the Town Center Zoning District.

2. The project is consistent with the Milpitas General Plan.

Staff Comment: Refer to Page 11.

3. The project is consistent with the Milpitas Zoning Ordinance.

Staff Comment: Residential, Commercial, and Mixed-Uses are a conditionally permitted use within the Town Center Zoning District. The placement of the live-work units along South

Milpitas Boulevard provides the commercial use near other commercial and cultural uses and acts as a compatible transition to single-family residential.

ENVIRONMENTAL REVIEW

Staff conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff prepared an initial study and distributed a Notice of Intent to Adopt a Mitigated Negative Declaration because the project may have potentially significant impacts on the environment. Mitigation measures are included to reduce those identified impacts to a less than significant level. The mitigated negative declaration was circulated for public review between December 21, 2012 and January 9, 2013. On March 19, 2013, the applicant submitted minor changes to the project. Those changes include the removal on one single-family unit and transitioning four of the single-family units into live-work units. The live-work units incorporate 500square feet of commercial space per unit, totaling 2,000 square feet of commercial. The applicant proposed modifications to the project description including deletion of one single family residence and addition of 2,000 square feet of live-work commercial that have been determined to require no additional mitigation measures and no significant impact, requiring no recirculation of EA 12-004 pet Section 15073.5(c)(4) of CEQA.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. Staff received one public comment against the project proposal. (See Attachment C.)

CONCLUSION

With the commercial component integrated into the residential, and subject to the re-zone contingency stated herein, the proposal is compatible with existing commercial, provides the appropriate transition to single family residential, and will be compatible with the approved 80 single-family residential homes project adjacent to the project site. The project proposal is consistent with both the General Plan and Zoning Ordinance as stated within this report. The live-work concept provides a new type of residential living for Milpitas Residence and this is the appropriate location for this type of mixed-use.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No.13-011 recommending approval to the City Council subject to the conditions of approval.

Attachments:

A. Resolution No. 13-003
B. Site plans
C. Letter from School District
D. Environmental Impact Assessment
E. Phase I
F. Traffic Study
G. Noise Study
H. Risk Assessment
I. Greenhouse Gas/ Air Quality
J. TALU Meeting Minutes January 24th

K. TALU Meeting Minutes April 18th

D

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

March 27, 2013
6:30 pm

I. ROLL CALL

Present: Rajeev Madnawat, John Luk and Garry Barbadillo
Staff: Cindy Hom and Veronica Bejines

1. PUBLIC HEARING

Minor Site Development Permit No. MS13-0012

a. Cindy Hom, Assistant Planner, presented a request for a one-day special event permit to allow for a procession on city sidewalks located on S. Main St., Corning Dr., S. Abel St., and Serra Way. The event is hosted by the St. John's Church located at 279 S. Main Street (APN: 86-08-037), zoned Mixed Use Development with Site and Architectural Overlay (MXD-S). The event is to be held on 3/29/13 between the hours of 9:00-10:30PM. Applicant: Eva Ferguson. Staff Contact: Cindy Hom, (408) 586-3284.

(Recommendation – Approve project subject to the conditions of approval)

Motion to approve the project subject to conditions of approval.

M/S: Luk/Madnawat

AYES: 2

NOES: 0

ABSTAIN: 0

II. ADJOURNMENT

This meeting was adjourned at 6:32 p.m.

APPROVED

PLANNING COMMISSION MINUTES
March 27, 2013

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Sudhir Mandal, Larry Ciardella, Garry Barbadillo, John Luk, Rajeev Madnawat, Zeya Mohsin, Demetress Morris and Gurdev Sandhu

Absent: None

Staff: Brown, McHarris and Bejines

Alternate Commissioner: Commissioner Morris was present but not seated as a member of the voting body.

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Phong Nguyen, Emergency Preparedness Commissioner, encouraged the Commissioners to sign up to AlertSCC, the Santa Clara County Emergency Alert System; and also to sign up to the Milpitas S.A.F.E (Strategic Actions for Emergencies) program.

IV. APPROVAL OF MINUTES

Chair Mandal called for approval of the March 20, 2013 minutes of the Planning Commission.

There were no changes to the minutes.

Motion to approve the Planning Commission minutes as submitted.

M/S: Sandhu/Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

V. ANNOUNCEMENTS

Commissioner Sandhu announced that on March 16th, he attended the grand opening of the Higuera Adobe Park. **PRCRC Chair Steve Munzel** requested a copy of a City report on the Adobe Park.

Planning and Neighborhood Services Director, Steven McHarris, said he would look into it and would be happy to provide the report. He also said that if any of the Commissioners want a copy, to please let him know.

VI. CONFLICT OF INTEREST

City Attorney, Mike Ogaz, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Mandal asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

Motion to approve the March 27, 2013 agenda as submitted.

M/S: Ciardella/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

VIII. CONSENT CALENDAR

Consent calendar items are considered to be routine and may be approved in one motion at the discretion of the Chair. **For public hearing items, prior to actual Commission consideration, the Chair may open the public hearing and ask if anyone present wishes to discuss any consent calendar items. There will be no discussion of consent calendar items unless a member of the audience or the Commission asks to have the item removed from the consent calendar.** Persons who want to speak on any item on the consent calendar should come forward now and ask to have that item removed from the consent calendar. **Any items removed will be discussed in the order arranged by the Chair**

VIII-1

CONDITIONAL USE PERMIT AMENDMENT NO. UA13-0001 & MINOR SITE DEVELOPMENT PERMIT NO. MS13-0001

A request to remove 3 existing panel antennas located on an existing 60' tall Monopine, and replace them with 6 new antennas with associated ground equipment concealed within the existing enclosure at 1525 McCarthy Blvd. (APN: 086-30-079) Zoned Light Industrial with Site and Architectural Overlay District (M1-S). Applicant: T- Mobile, Kevin Bowyer.

(Recommendation – Adopt Resolution No. 13-009 approving the project subject to the conditions of approval

M/S: Madnawat/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

VIII-2

SITE DEVELOPMENT PERMIT NO. SD13-0003

A request to install a black steel picket perimeter fence, not to exceed eight feet tall, for the two hotels located at 1428 and 1480 Falcon Drive. (APN: 086-24-042, 056) Zoned General Commercial with Site and Architectural Overlay District (C2-S) and within the Transit Area Specific Plan.

(Recommendation – Adopt Resolution No. 13-010 approving the project subject to the conditions of approval)

M/S: Madnawat/Sandhu

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

IX. PUBLIC HEARING

IX-1

MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0003, CONDITIONAL USE PERMIT NO. UP12-0016, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA12-0005

Tiffany Brown, Assistant Planner, presented a request to demolish an existing 19,600 square foot building with associated parking and construct 28 new single family residential units and with four "live work" units totaling 2,000 square feet of commercial along South Milpitas Boulevard. The project is on approximately 2.7 acres at 345 Los Coches (APN: 86-39-001 and 86-39-002) zoned Town Center with Site and Architectural Overlay (TC-S). Applicant: Doyle Heaton with DRG Builders, Inc.

Ms. Brown identified minor changes to conditions No. 5, 66, and 68 as follows:

Condition No. 5 changed from:

5. The property owner or designee shall provide one more commercial on-site parking space to meet parking requirements. All parking spaces shall meet code standards. (P)

to

5. The property owner or designee shall **work with staff on the live/work commercial parking requirements to ensure city standards are met**. (P)

66. Lot 8 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18" minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a mural of graphic design and illumination with the entire recessed wall area subject to staff approval. A recorded façade easement for this specific area or equivalent legal instrument shall be recorded on the property to the City of Milpitas for the purpose of design approval of any future changes. The maintenance of the public art is the responsibility of the property owner. (P)

to

66. Lot 8 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18" minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a mural of graphic design and illumination with the entire recessed wall area **or equivalent design intent** subject to staff approval. A recorded façade easement for this specific area or equivalent legal instrument shall be recorded on the property to the City of Milpitas for the purpose of design approval of any future changes. The maintenance of the public art is the responsibility of the property owner. (P)

68. Lot 10 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18" minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a metal trellis for vertical landscaping. The goose neck lighting shall be carried over to the extended portion of the wall. (P)

to

68. Lot 10 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18" minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a metal trellis for vertical landscaping **or equivalent design intent**. The goose neck lighting shall be carried over to the extended portion of the wall. (P)

Ms. Brown said that staff is recommending to Close the Public Hearing and Adopt Resolution No. 13-011 recommending approval of the project to City Council.

Commissioner Madnawat had a question on page 4 of the staff report. **Ms. Brown** said in the background of the report, staff has been working with the applicant since September 2010, and had several meetings with the applicant regarding different residential proposals for the project. Staff felt that with the incorporation of the live/work units, it would satisfy staff's request for commercial use along S. Milpitas Blvd.

Commissioner Madnawat asked if there were any community outreach about the project and asked about traffic impacts and increase of services to the new residents.

Ms. Brown said staff provided an environmental assessment of the project which covers traffic, police and fire services, and school district issues. Staff did communicate with the School District which provided a letter of concern.

Planning and Neighborhood Services Director McHarris said the new plans were forwarded to the School District with the new changes, and they were also notified of the change in staff's recommendation. The School District has not changed their opinion or has responded to the Planning Division about the revised changes. It is the Planning Commission's discretion to review and make a decision on the project as currently proposed. If the Commission recommends the proposed project, the zoning amendments will be prepared for the next Planning Commission meeting; and if approved, the two items will be brought forward as one project to the City Council.

About status of services, the project has a community facilities district and homeowner's association CC&RS where the future residents will pay into the maintenance of the project. As well as, the project will be paying an impact fee for additional infrastructure that serves this site so it does not become a burden to tax payers. The school impact fee will not cover all the issues involved, but are in place to mitigate the project's impacts to school facilities.

Commissioner Madnawat asked if an EIR was done for this project. Ms. Brown said there is an Environmental Risk Assessment and adopted Negative Declaration in the Commissioner's packet for the project, which is in accordance with CEQA. In addition, a traffic study, noise study, and green house gas study was done, and an EIR was not required for this project.

Commissioner Morris said she has the same concerns as fellow Commissioner Madnawat regarding community input and is also concerned about the School District letter, and asked if they have responded yet to staff's change in recommendation for the live/work units. **Ms. Brown** reiterated that staff has not received any comments from the School District.

Commissioner Morris had a question on page 7, below figure 2, second paragraph of the staff report. **Ms. Brown** said the architectural overlay is part of the zoning district, which means City staff has architectural review over the project.

Commissioner Morris asked when the Commission will review the changes to the sidewalk. **Ms. Brown** said staff will review that at the time of building permit approval; however, if the Commission wants to review it, a condition of approval would be required.

Commissioner Luk said the City wants to see some type of commercial vitality and thought this is a viable location because the property is going to be visible to the public, and does not think it should be 100 percent commercial. He said that the live/work units are an invigorating use and does not think there is going to be a lot of traffic congestion on Milpitas Blvd. as a result of the project. He felt that this project is a good addition for Milpitas.

Commissioner Barbadillo said he is very concerned about the School District's letter and was also concerned that the commercial portion of the live/work units is only going to be 500 sq. ft. of commercial.

Ms. Brown said staff reviewed the commercial use and appearance and is recommending the live/work commercial storefronts along S Milpitas Blvd. as meeting the intent of the Town Center zoning and providing an appropriate transition of commercial and single-family land use and compatibility.

Chair Mandal said that the applicant is only meeting 84 parking spaces and asked why could they not meet 85 spaces. **Ms. Brown** said that issue is being dealt with in revised condition No. 5 prior to building permit issuance.

Chair Mandal asked how many pedestrian and vehicle entries are there for the site and **Ms. Brown** identified them for the Commission.

Chair Mandal asked if the project would provide alternative energy and **Ms. Brown** deferred the question to the applicant.

Planning and Neighborhood Services Director McHarris clarified that when reviewing the whole layout and design, it is important to keep in mind that the project is conceptual and not refined to the level and detail of building permit submittal. Staff will work with the applicant on the conditions of approval through the building permit process to ensure that all of the conditions of approval are met and to ensure a high qualify project. He also said that the Commission may recommend additional conditions at their discretion.

Chair Mandal pointed out that on page 7 of the staff report, last paragraph, it states that there is second vehicular access on Los Coches and **Ms. Brown** said that is an error, there is only one access at Los Coches.

Commissioner Morris said the live/work units are a new concept to this area, and she would like to hear more community input from the school, police, fire, and community.

Commissioner Sandhu asked when the School District received the revised plans and **Ms. Brown** said last week. **Commissioner Sandhu** asked if the project is okay with the School District or if staff should have contacted them. **Mr. McHarris** said that there has not been any additional feedback from the School District.

Vice Chair Ciardella asked if the Commission could incorporate the School District's concerns in the conditions of approval. **City Attorney Ogaz** said it is at the discretion of the Planning Commission, not the School District.

Commissioner Mohsin said she has lived in small residential community and said there is a great need for housing in Milpitas.

Commissioner Madnawat asked what type of businesses would be able to occupy the live/work units and **Ms. Brown** said more information will be addressed in the zoning amendments that will be coming forward at the next Planning Commission meeting.

Commissioner Madnawat asked how would the City know that the commercial use is being used for commercial. **City Attorney Ogaz** said that the zoning change will create a commercial space and it will not be a residential space or a home occupation, and the City cannot force anyone to use the commercial space.

Commissioner Madnawat pointed out for the record that he voted against the adjacent residential project.

Doyle Heaton, DRG Builders, Applicant, 3480 Buskirk Avenue, Ste. 104, Pleasant Hill, and Architect, Ed Novak, 153 Gillette Place, Livermore made a presentation on the project proposal.

Chair Mandal opened the public hearing.

Elden Shreve, Wessex Place, Milpitas, said he has lived in Milpitas over 50 years and he owns the 19,000 sq. feet facility that is going to be demolished. He said the property has been vacant for some time now and it is a financial burden to him. He asked the Commission to approve the project.

Motion to close the public hearing.

M/S:	Sandhu/Moshin
AYES:	7
NOES:	0
ABSENT:	0
ABSTAIN:	0

Commissioner Morris excused herself for the night and said for her one voice, she would like to hear back from the community stakeholders. She left the dais at 8:43 p.m.

Vice Chair Ciardella made a motion to adopt Resolution No. 13-011 recommending approval to City Council, subject to the conditions of approval. Commissioner Sandhu seconded the motion.

City Attorney Ogaz said the resolution does not include a finding concerning CEQA approval or recommendation to that effect and recommended the following language be added to any motion for approval:

The Commission recommend the City Council approve Environmental Impact Assessment No. EA12-005 a Negative Declaration concerning the project in accord with CEQA requirements.

Motion to adopt *Resolution No. 13-011 recommending approval of the project to the City Council, with revised Conditions Nos. 5, 66, and 68 and with the new language suggested by the City Attorney concerning CEQA requirements.*

M/S: Ciardella/Sandhu

AYES: 5 (Mandal, Ciardella, Sandhu, Luk and Mohsin

NOES: 2 (Madnawat and Barbadillo)

ABSENT: 0

ABSTAIN: 0

XI. ADJOURNMENT

The meeting was adjourned at 8:48pm to the next meeting of April 10, 2013.

Motion to adjourn
M/S: Mohsin/Sandhu

Respectfully Submitted,

Steven McHarris
Planning & Neighborhood Services Director

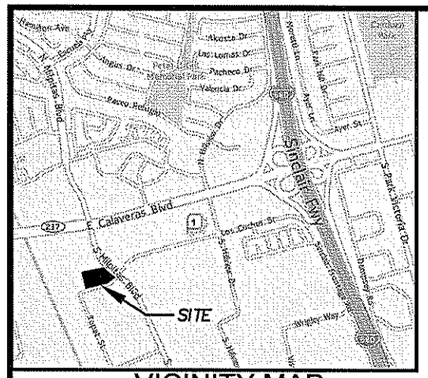
Veronica Bejines
Recording Secretary

D

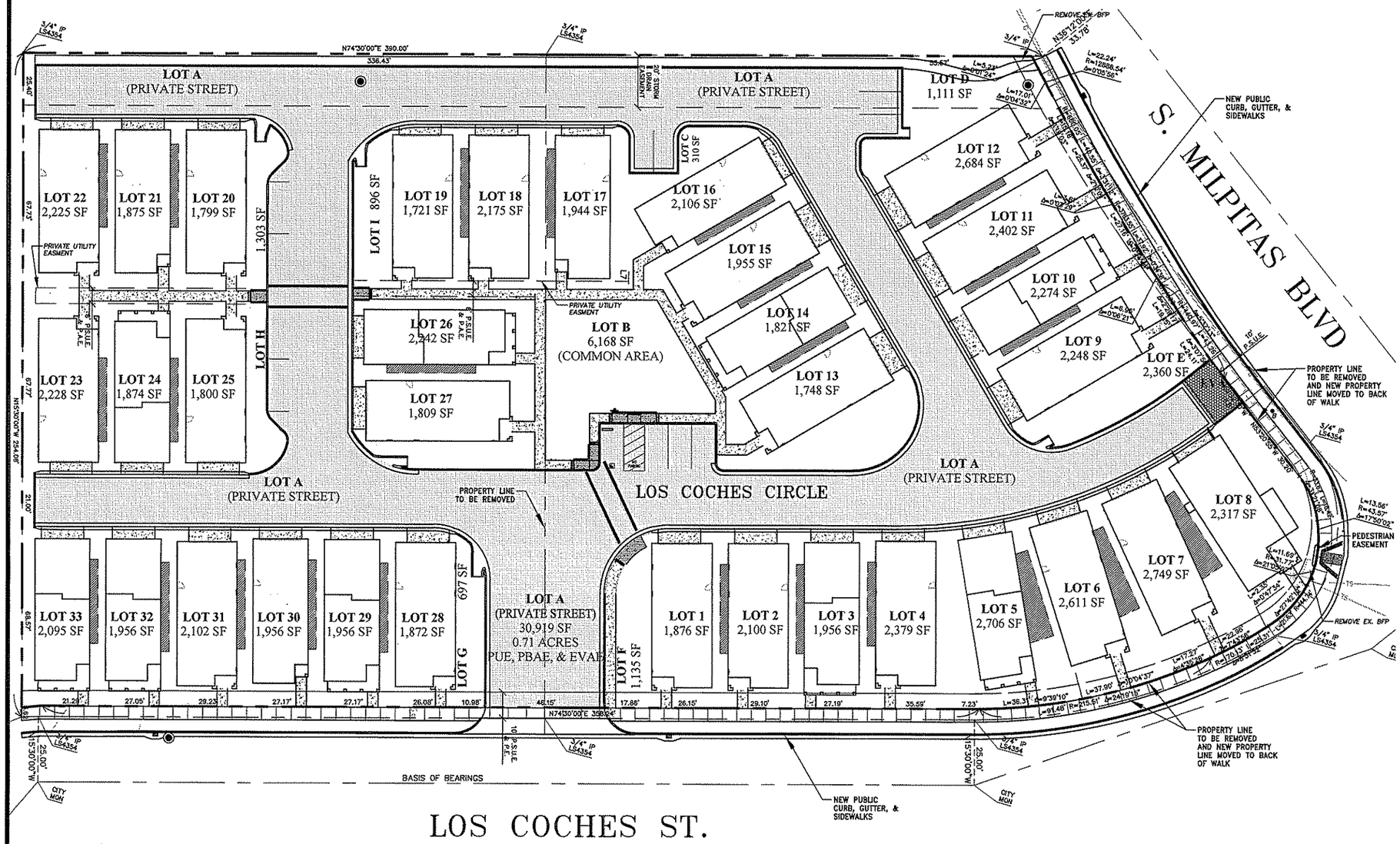
TENTATIVE SUBDIVISION MAP

FORTY TWO LOT SUBDIVISION FOR TOWNHOUSE PURPOSES

345 AND 375 LOS COCHES



VICINITY MAP NTS



LEGEND:

⊙	STANDARD MONUMENT BOX FOUND AS NOTED
○	3/4" IRON PIPE SET, TAGGED "LS 6395"
•IP	3/4" IRON PIPE FOUND AS NOTED
	DISTINCTIVE EXTERIOR BORDER LINE
	PROPERTY LINE ESTABLISHED BY THIS MAP
	CENTERLINE
	EASEMENT LINE
	SIDEYARD EASEMENT LINE ESTABLISHED BY THIS MAP
P.A.E.	PEDESTRIAN ACCESS EASEMENT
P.E.	PLANTING EASEMENT
P.I.E.E.	PRIVATE INGRESS AND EGRESS EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
PR.S.E.	PRIVATE SERVICE EASEMENT
P.S.S.E.	PRIVATE SANITARY SEWER EASEMENT
P.S.U.E.	PRIVATE SERVICE AND UTILITY EASEMENT
(R)	RADIAL
S.F.	SQUARE FEET

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

GENERAL NOTES

NAME:	345 AND 375 LOS COCHES
OWNER:	345 LOS COCHES STREET GENESIS UNITED METHODIST CHURCH INC. 375 LOS COCHES STREET LESS PROPERTIES, LLC 1309 LAURELWOOD RD SANTA CLARA, CALIFORNIA 95054
SUBDIVIDER:	SAN RAMON LAND, LLC A CALIFORNIA LIMITED LIABILITY COMPANY
CIVIL ENGINEER:	UNDERWOOD & ROSENBLUM, INC. DAVE B VOORHES, P.E. 1630 OAKLAND ROAD, SUITE A114 SAN JOSE, CA 95131 RCE 26429 EXPIRES 3-31-14
ASSESSORS PARCEL NUMBER:	APN 086-39-001 APN 086-39-002
EXISTING USE:	COMMERCIAL
PROPOSED USE:	33 RESIDENTIAL UNITS
EXISTING ZONING:	TOWN CENTER
WATER:	CITY OF MILPITAS
SANITARY SEWER:	CITY OF MILPITAS
STORM DRAIN:	CITY OF MILPITAS
GAS:	PG&E
ELECTRICAL:	PG&E
TELEPHONE:	AT&T
EXISTING NUMBER OF LOTS:	2
PROPOSED NUMBER OF LOTS:	42
PROPOSED MAXIMUM NUMBER OF TOWNHOMES:	33 TOWNHOMES
TOTAL SITE ACREAGE:	2.58 ± ACRES
FLOOD ZONE:	ZONE AH – SHALLOW FLOODING, 1-3FT, USUALLY AS PONDING AREAS.

REGISTERED PROFESSIONAL ENGINEER DAVID B. VOORHES No. 26429 Exp. 03-31-14 CIVIL STATE OF CALIFORNIA

DESC.	REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1630 Oakland Road Ste. A114 San Jose, Ca. 95131
Tel. No. (408) 453 1222 Fax No. (408) 453 1227

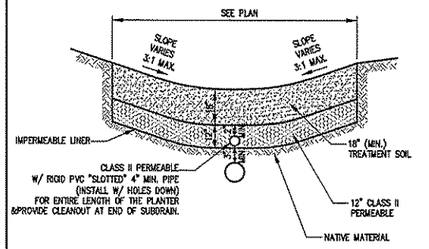
375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

COVER SHEET
TENTATIVE MAP

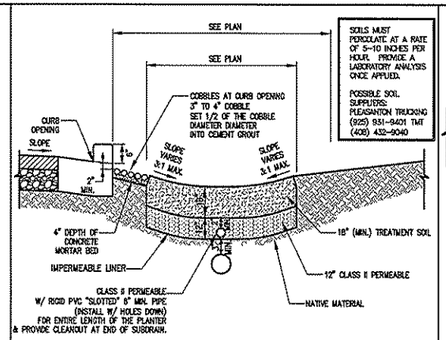
Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
T1

SOIL CONSIDERATIONS:

THE CONTRACTOR MUST PROVIDE A SOIL CERTIFICATE OF COMPLIANCE TO THE CITY OF MILPITAS ENVIRONMENTAL SERVICES DIVISION TO VERIFY THAT THE SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES MEETS BASMAA SOIL SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF THE CLEAN WATER PROGRAM'S C.3 STORMWATER TECHNICAL GUIDANCE MANUAL.



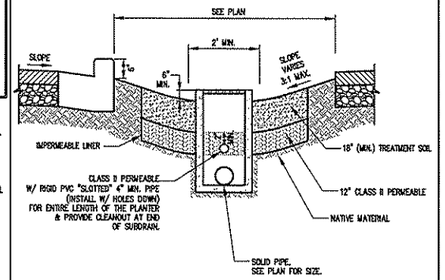
1 BIO-RETENTION DETAIL N.T.S.



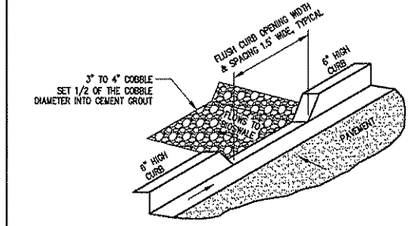
SOILS MUST PERCOLATE AT A RATE OF 5-10 INCHES PER HOUR. PROVIDE A LABORATORY ANALYSIS ONCE APPLIED.

POSSIBLE SOIL SUPPLIERS: PLEASANTON TRUCKING (925) 931-9421 TMT (408) 432-9040

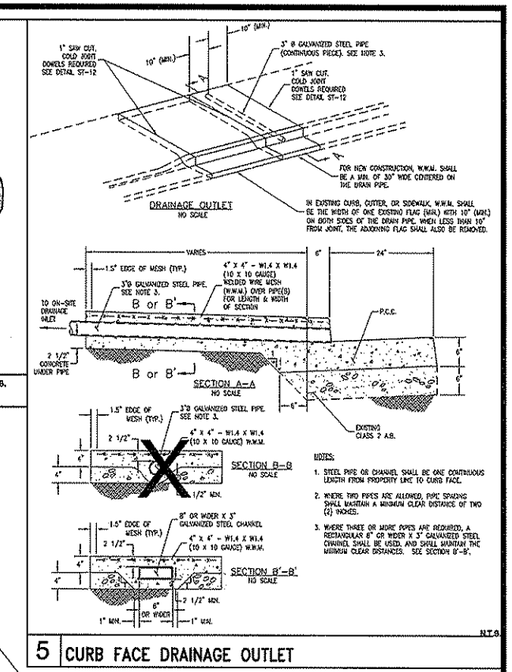
2 SWALE AT CURB OPENING N.T.S.



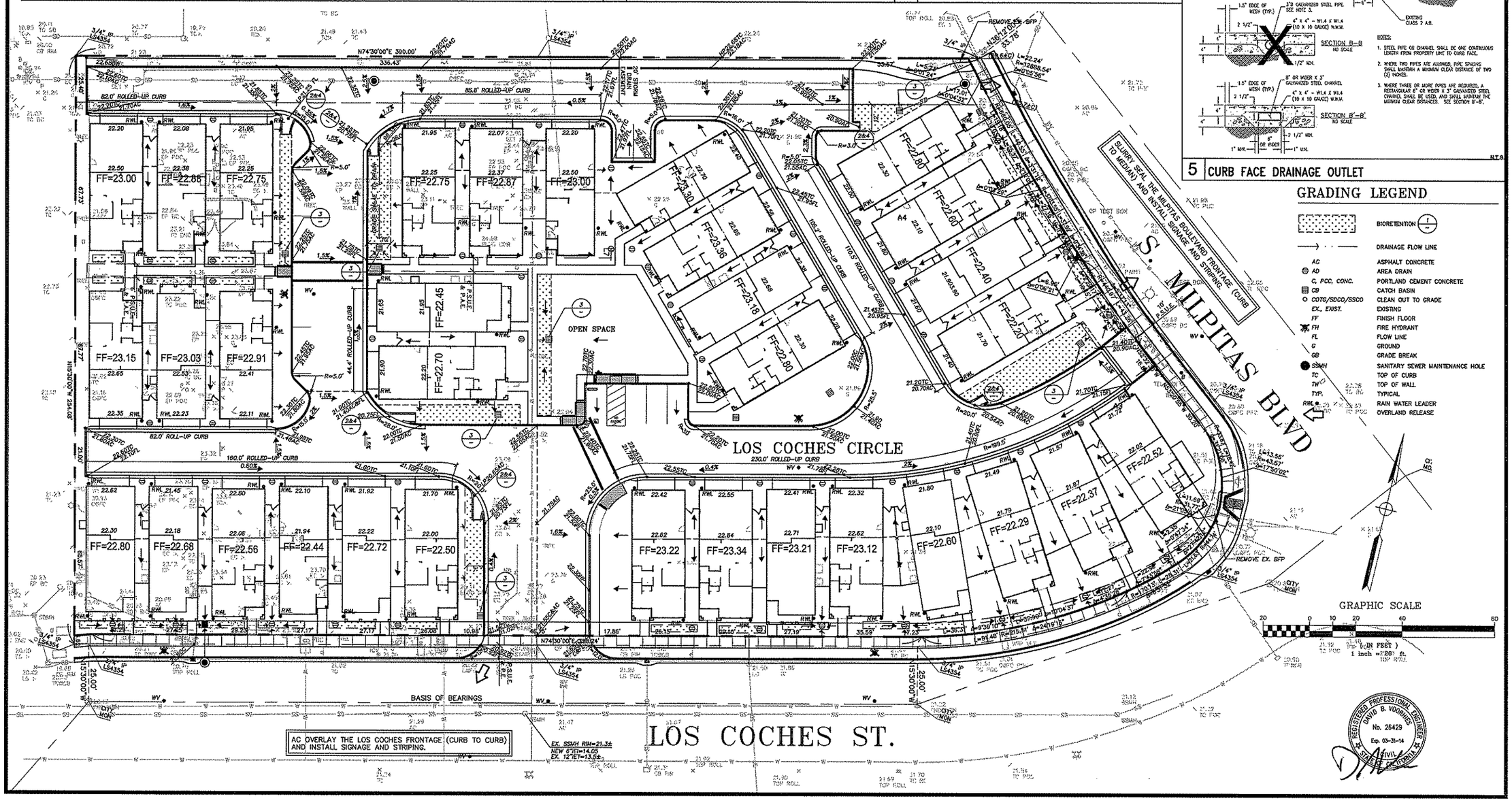
3 SWALE - AT INLET N.T.S.



4 CURB OPENING - SECTION N.T.S.



5 CURB FACE DRAINAGE OUTLET N.T.S.



GRADING LEGEND

	BIORETENTION
	DRAINAGE FLOW LINE
AC	ASPHALT CONCRETE
AD	AREA DRAIN
C, PCC, CONC.	PORTLAND CEMENT CONCRETE
CB	CATCH BASIN
COTG/SDCO/SSCO	CLEAN OUT TO GRADE
EX., EXIST.	EXISTING
FF	FINISH FLOOR
FH	FIRE HYDRANT
FL	FLOW LINE
G	GROUND
GB	GRADE BREAK
SSMH	SANITARY SEWER MAINTENANCE HOLE
TC	TOP OF CURB
TW	TOP OF WALL
TYP.	TYPICAL
RWL	RAIN WATER LEADER
	OVERLAND RELEASE

DESC.	REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1535 Oxford Road Ste. 4414 San Jose, Ca. 95131
Tel. No. (408) 453 1222 Fax No. (408) 453 1207

375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

GRADING & STORM CONTROL PLAN
TENTATIVE MAP

Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet T2

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE			
		PROJECT PHASE NUMBER>	ONE (1)
TOTAL SITE (ACRES>	2.66	TOTAL AREA OF SITE DISTURBED (ACRES>	2.66
IMPERVIOUS SURFACES	EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	
		REPLACED	NEW
ROOF AREA(S)	19,795	19,795	20,541
PARKING	19,710	19,710	—0—
SIDEWALKS, PATIOS, PATHS, ETC	2,063	2,063	5,407
STREETS (PUBLIC)	—0—	—0—	—0—
STREETS (PRIVATE)	—0—	41,569	8,829
TOTAL IMPERVIOUS SURFACES>	41,568	21,858	34,777
PERVIOUS SURFACES			
LANDSCAPED AREAS	9,210	9,210	30,101
PERVIOUS PAVERS	—0—	—0—	—0—
OTHER PERVIOUS SURFACES (GREEN ROOF, ETC)	64,878	—0—	—0—
TOTAL PERVIOUS SURFACES>	74,088	9,210	30,101
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES>			76,345
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES>			39,311

AREA CALCULATION								TREATMENT AREA	
ID AREA	LANDSCAPE AREA (SF)	ROOF AREA (SF) (IMPV)	IMPERVIOUS SIDEWALK/WALKWAY AREA (SF) (IMPV)	IMPERVIOUS PRIVATE STREET AREA (SF) (IMPV)	TOTAL IMPERVIOUS AREA (SF)	BIORETENTION AREA REQUIRED IMPERVIOUS AREA X 0.04	TYPE BMP	BMP (SF)
A1	4244	3298	131	7908	11,337	454 SF	1	455
A2	793	2157	648	2252	5,157	206 SF	1	280
A3	2374	3,470	356	0	3,826	153 SF	1	168
A4	3,565	5,5,238	612	3,635	9,485	380 SF	1	390
A5	1,889	3,240	345	0	3,585	144 SF	1	360
A6	836	355	124	6,975	7,454	298 SF	1	342
A7	7,285	4,966	962	0	5,928	237 SF	1	280
A8	1,368	1,266	345	2,293	3,904	156 SF	1	222
A9	5,073	10,729	0	6,713	17,442	698 SF	1	747
A10	4,847	4,512	674	0	5,186	208 SF	1	240
A11	3,769	2,068	773	0	2,841	114 SF	1	323
TOTAL AREA	35,843	41,299	4,970	30,075	76,345	3,154		1,700

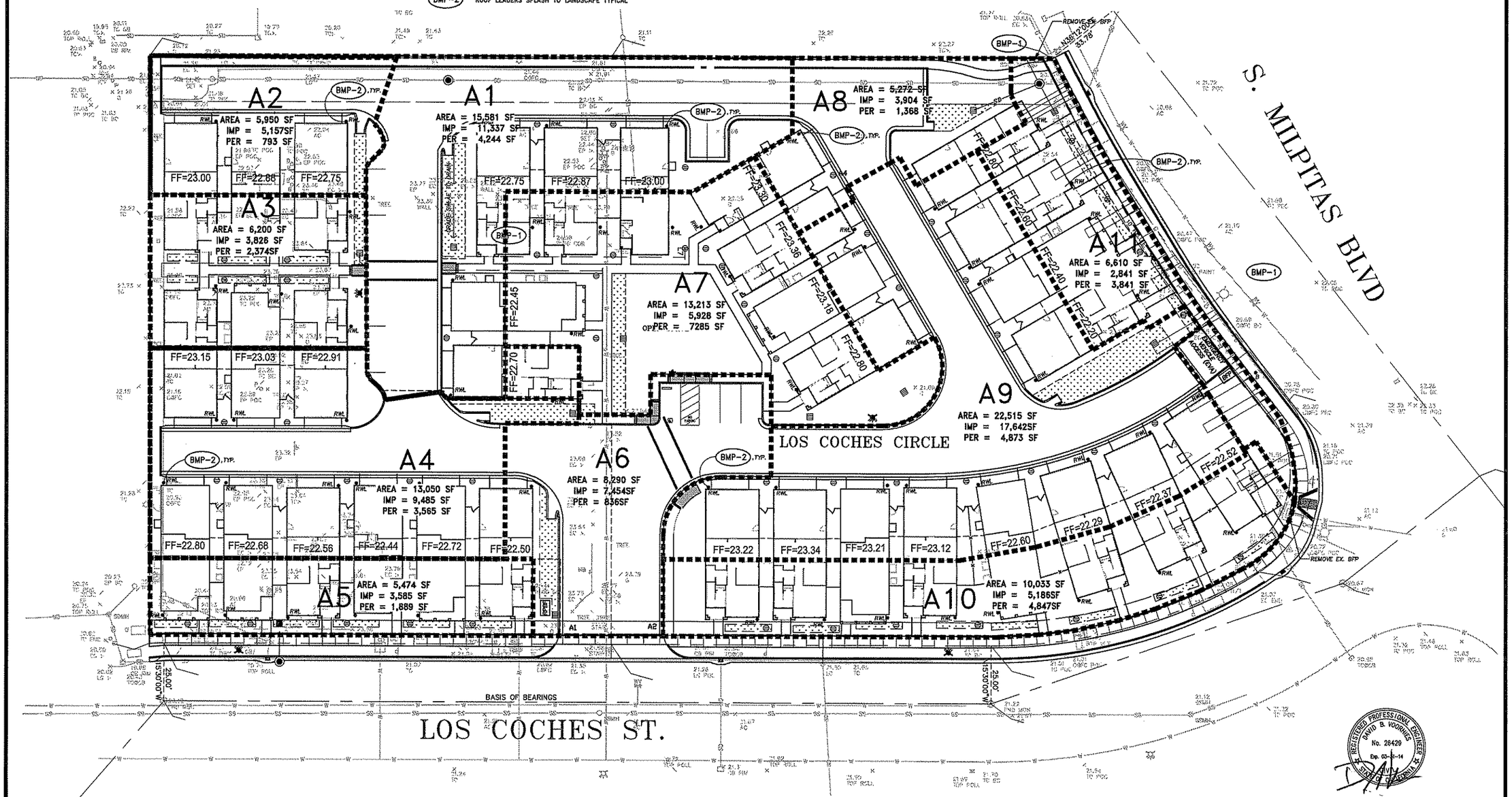
ABBREVIATION

IMP	IMPERVIOUS
PER PAV	PERVIOUS PAVEMENT
PER LS	PERVIOUS LANDSCAPING
SF	SQUARE FEET
BMP-1	VOLUME BASED BIORETENTION AREA
BMP-2	ROOF LEADERS SPLASH TO LANDSCAPE TYPICAL

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



REGISTERED PROFESSIONAL ENGINEER
DAVID B. VOORHIES
No. 28429
Exp. 03-31-14
STATE OF CALIFORNIA

#	DESC.	REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1830 Oxford Road Ste. A14 San Jose, Ca. 95131
Tel. No. (408) 435-1222 Fax No. (408) 435-1227

375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

GRADING & STORM CONTROL PLAN
TENTATIVE MAP

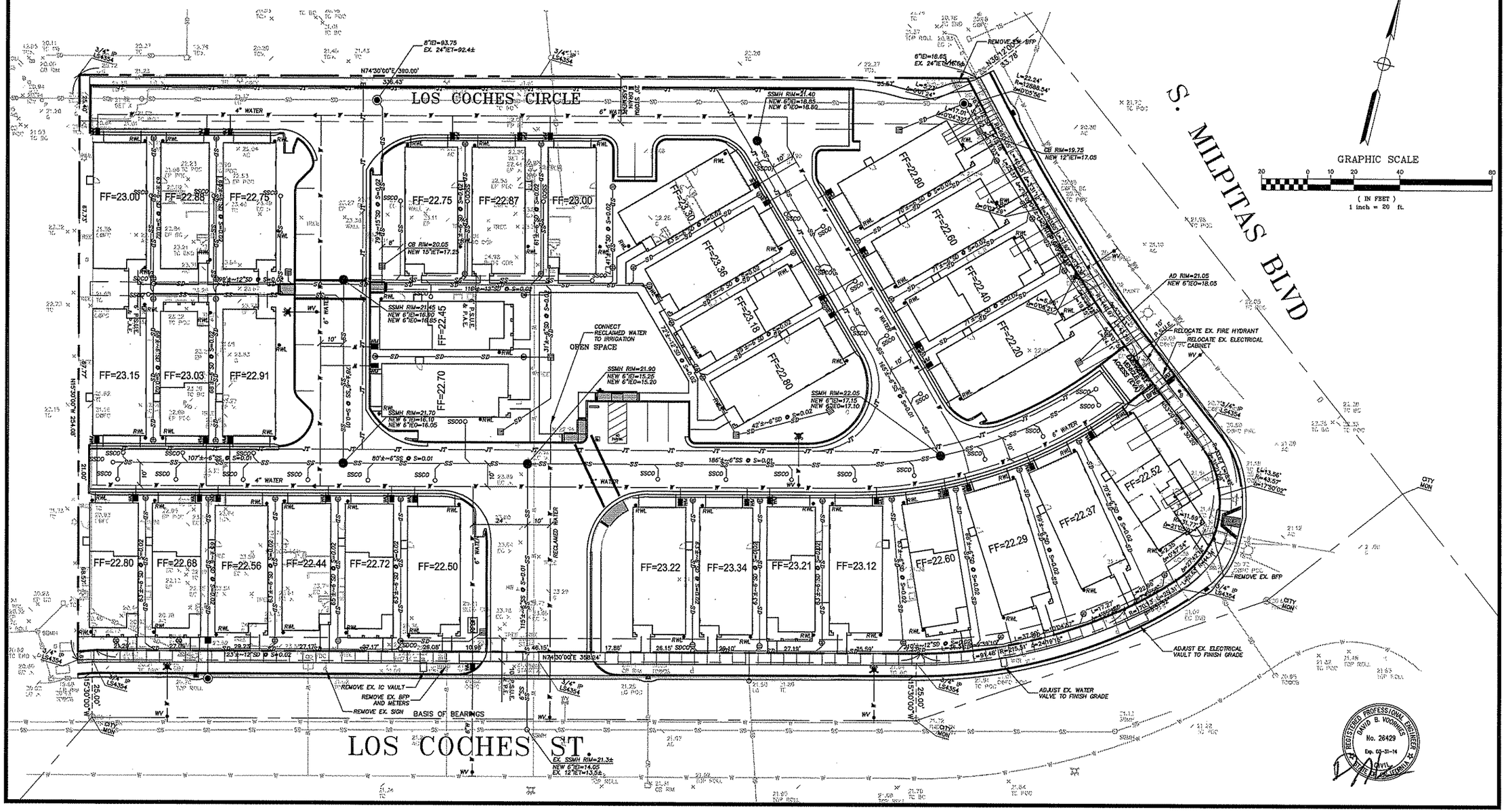
Date 9-27-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
T2.1

NOTE:

1. ALL UTILITIES WITHIN THE SUBDIVISION ARE PRIVATELY OWNED AND MAINTAINED BY HOA.
2. STREET LIGHTS WITHIN THE SUBDIVISION ARE PRIVATELY OWNED AND MAINTAINED BY HOA.
3. WELLS: NONE.
4. STREET TREES: INSTALLED PER CITY STANDARD NO. 448, MAINTAINED BY THE HOA.
5. STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PRIVATE STREETS AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. ALL STREETS WILL BE IN PSUE'S (MIN. LONGITUDINAL SLOPE =0.6%)
6. SOUNDWALLS AND MASONARY WALLS: ALL WALLS WILL BE PRIVATE FACILITIES AND MAINTAINED BY THE HOMEOWNERS/HOMEOWNER ASSOCIATION.
7. FLOOD ZONE: ZONE AH – SHALLOW FLOODING, 1–3FT, USUALLY AS PONDING AREAS.
8. LANDSCAPING ALONG LOS COCHES STREET FRONTAGE TO MAINTAINED BY HOA, VIA AN ENCROACHMENT PERMIT AGREEMENT.

UTILITY LEGEND

—PERF—	NEW PERFORATE DRAIN @ 1% SLOPE
—SD—	NEW STORM DRAIN @ 1% SLOPE
—SS—	NEW SANITARY SEWER (SIZE AS INDICATED) S=0.01 UNLESS OTHERWISE INDICATED
—W—	NEW WATER LINE (SIZE AS INDICATED)
—JT—	JOINT TRENCH
FH	FIRE HYDRANT
BFP	BACKFLOW PREVENTER
RWL	RAIN WATER LEADER
	REDUCER
WM	WATER METER
INV	INVERT ELEVATION
IEI	INVERT ELEVATION IN
IEO	INVERT ELEVATION OUT
IET	INVERT ELEVATION THROUGH



#	DESC.	REVISIONS	DATE

U&R UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1830 Oakland Road Ste. A115 San Jose, Ca. 95131
Tel. No. (408) 453-1222 Fax No. (408) 453-1227

375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

UTILITY PLAN
TENTATIVE MAP

Date	12-05-2012
Scale	1"=20'
Design By:	DV
Job	J11076
Sheet	T3

LINE TABLE		
LINE	LENGTH	DIRECTION
L5	13.66'	N15°30'00"W
L6	9.00'	N74°30'00"E
L7	4.73'	N15°30'00"W
L11	6.92'	N60°30'00"W
L12	6.92'	N29°30'00"E
L18	1.50'	S74°28'49"W

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C4	20.02'	14.50'	79°06'05"
C5	20.02'	14.50'	79°06'05"
C6	4.32'	5.50'	45°00'00"
C7	4.39'	4.50'	55°53'55"
C8	20.02'	14.50'	79°06'05"
C10	9.71'	30.34'	18°19'51"
C11	4.18'	27.50'	8°42'26"
C12	3.93'	2.50'	90°00'00"
C13	3.93'	2.50'	90°00'01"
C14	10.92'	15.49'	40°23'48"
C15	5.62'	15.56'	20°41'00"
C16	7.07'	4.50'	90°00'00"
C17	7.07'	4.50'	90°00'00"
C18	4.32'	5.50'	45°00'00"

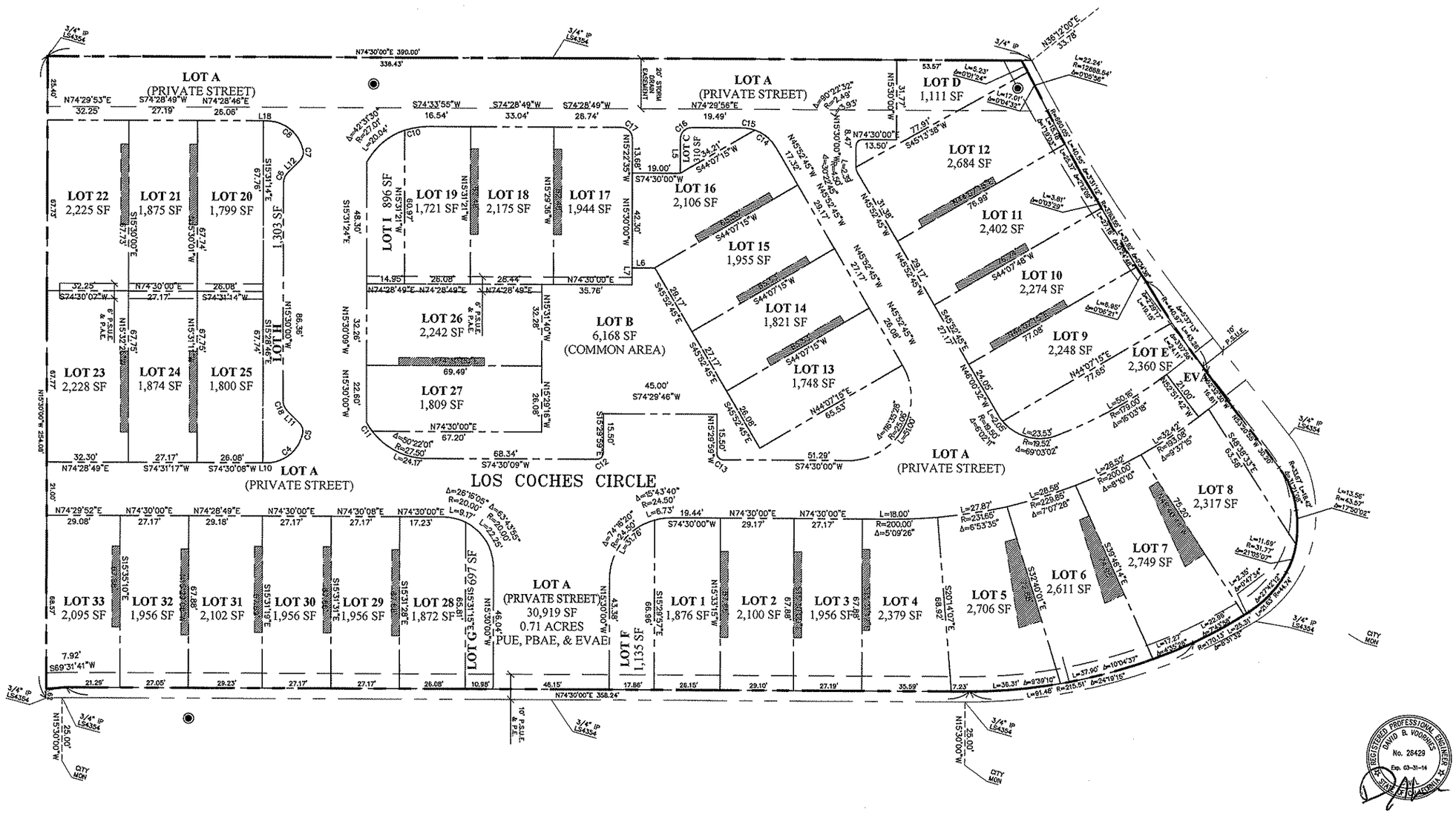
GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LEGEND:

	STANDARD MONUMENT BOX FOUND AS NOTED
	3/4" IRON PIPE SET, TAGGED "LS 6395"
IP	3/4" IRON PIPE FOUND AS NOTED
	DISTINCTIVE EXTERIOR BORDER LINE
	PROPERTY LINE ESTABLISHED BY THIS MAP
	CENTERLINE
	EASEMENT LINE
	SIDEYARD EASEMENT LINE ESTABLISHED BY THIS MAP
P.A.E.	PEDESTRIAN ACCESS EASEMENT
P.E.	PLANTING EASEMENT
P.I.E.E.	PRIVATE INGRESS AND EGRESS EASEMENT
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
PR.S.E.	PRIVATE SERVICE EASEMENT
P.S.S.E.	PRIVATE SANITARY SEWER EASEMENT
P.S.U.E.	PRIVATE SERVICE AND UTILITY EASEMENT
(R)	RADIAL
S.F.	SQUARE FEET


LOS COCHES CIRCLE
LOT A (PRIVATE STREET)
LOT A (PRIVATE STREET) 30,919 SF 0.71 ACRES PUE, PBAE, & EVAE
LOT B 6,168 SF (COMMON AREA)
LOT 1 1,876 SF
LOT 2 2,100 SF
LOT 3 1,956 SF
LOT 4 2,379 SF
LOT 5 2,706 SF
LOT 6 2,611 SF
LOT 7 2,749 SF
LOT 8 2,317 SF
LOT 9 2,248 SF
LOT 10 2,274 SF
LOT 11 2,402 SF
LOT 12 2,684 SF
LOT D 1,111 SF
LOT E 2,360 SF
LOT F 1,135 SF
LOT G 697 SF
LOT H 1,303 SF
LOT I 896 SF
LOT 13 1,748 SF
LOT 14 1,821 SF
LOT 15 1,955 SF
LOT 16 2,106 SF
LOT 17 1,944 SF
LOT 18 2,175 SF
LOT 19 1,721 SF
LOT 20 1,799 SF
LOT 21 1,875 SF
LOT 22 2,225 SF
LOT 23 2,228 SF
LOT 24 1,874 SF
LOT 25 1,800 SF
LOT 26 2,242 SF
LOT 27 1,809 SF
LOT 28 1,872 SF
LOT 29 1,956 SF
LOT 30 1,956 SF
LOT 31 2,102 SF
LOT 32 1,956 SF
LOT 33 2,095 SF
N74°30'00"E 390.00'
N74°29'56"E 19.49'
S74°33'55"W 16.54'
S74°28'49"W 33.04'
S74°28'49"W 28.74'
N74°29'53"E 32.25'
S74°28'49"W 27.19'
N74°28'46"E 26.06'
N74°29'52"E 29.08'
N74°30'00"E 27.17'
N74°28'49"E 29.18'
N74°30'00"E 27.17'
N74°30'08"E 27.17'
N74°30'00"E 17.23'
S74°30'00"W 19.44'
N74°30'00"E 29.17'
N74°30'00"E 27.17'
N74°30'00"E 358.24'
S74°30'00"W 68.34'
S74°30'09"W 51.29'
S74°30'00"W 45.00'
S74°29'46"W
N74°30'00"E 67.20'
S74°30'00"W 13.66'
N74°30'00"E 35.76'
N74°30'00"E 13.50'
S74°30'00"W 19.00'
N74°30'00"E 77.91'
S45°13'38"W
N74°30'00"E 8.47'
N74°30'00"E 53.57'
N36°12'00"E 33.78'
N15°30'00"W 27.77'
N15°30'00"W 42.30'
N15°30'00"W 22.69'
N15°30'00"W 24.00'
N15°30'00"W 21.00'
N15°30'00"W 25.00'
N15°30'00"W 43.38'
N15°30'00"W 46.04'
S15°30'00"E 67.74'
S15°30'00"W 67.74'
S15°30'00"E 67.73'
S15°30'00"W 67.74'
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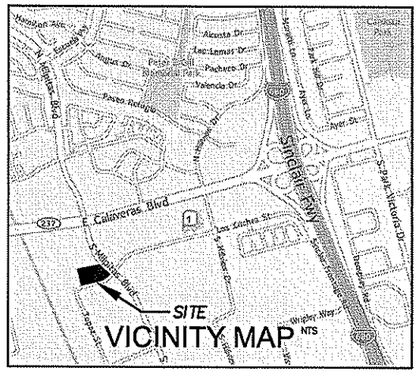
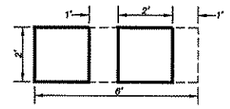
S15°30'00"E 67.88



VICINITY MAP NTS



BIN DETAIL
NOT TO SCALE

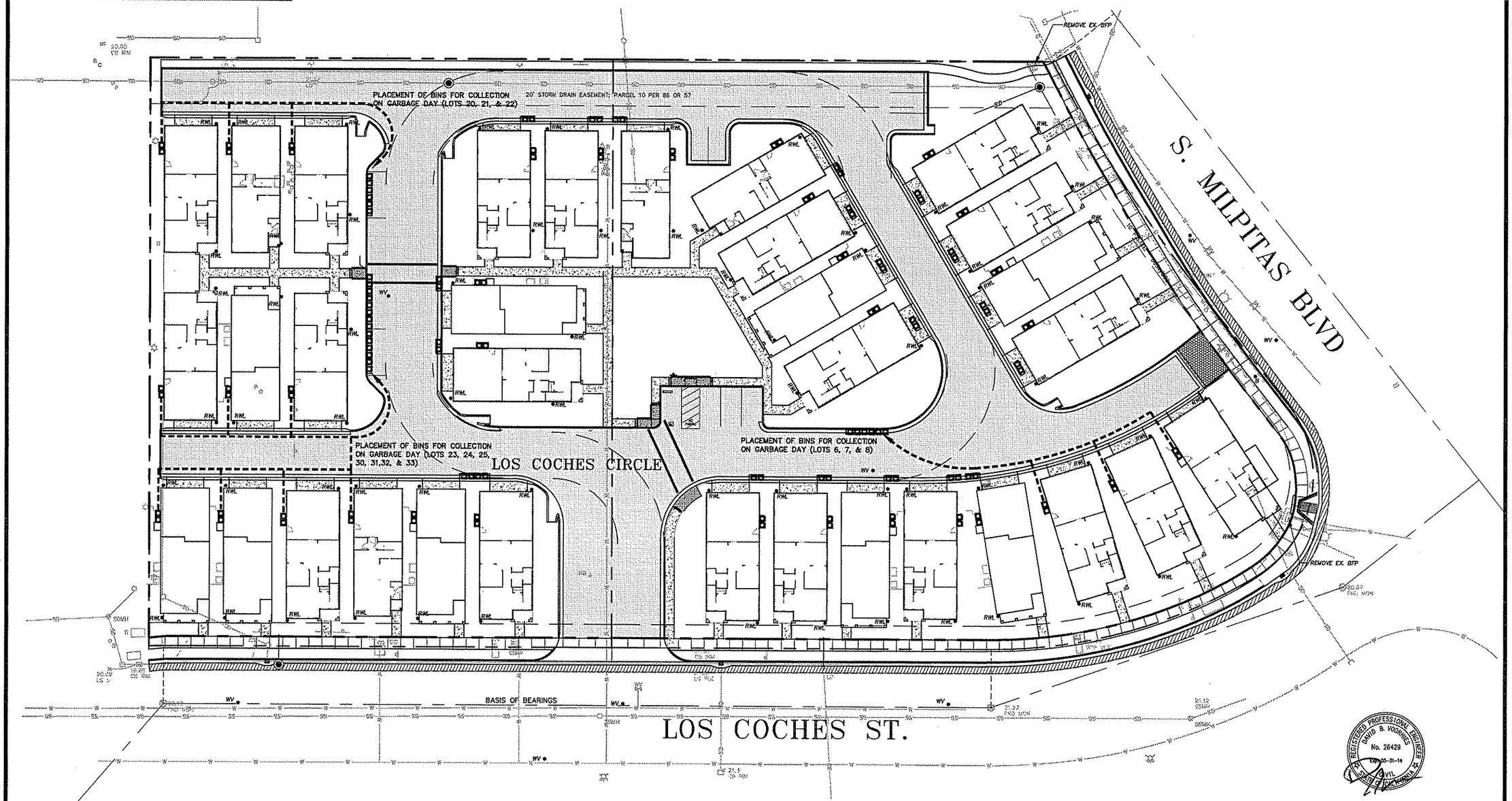
LEGEND

SYMBOL REPRESENTS AREA (6' X 2') REQUIRED FOR COLLECTION OF GARBAGE & RECYCLING (SEE DETAIL THIS SHEET)

SYMBOL MATCHES LOCATION OF TRASH BIN STORAGE TO TRASH BIN COLLECTION (SEE TYPICAL NOTES)

NOTE:
NO ON STREET PARKING ON GARBAGE DAYS IN SELECTED STALLS. TO BE COORDINATED BY HOA.
BIN REPLACEMENT TO BE COORDINATED BY HOA.

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.



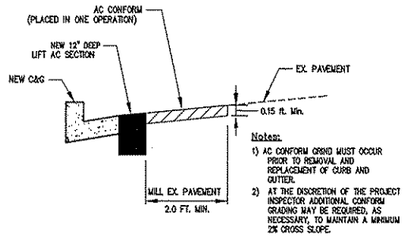
#	DESC.	REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1530 Oakland Road Ste. A114 San Jose, Ca. 95131
Tel. No. (408) 453 1222 Fax No. (408) 453 1207

375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

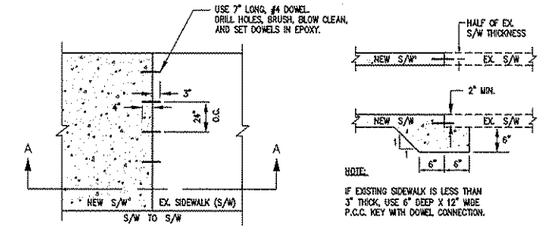
TRASH COLLECTION EXHIBIT

Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
1



CONSTRUCTION JOINT DETAIL 1

N.T.S.

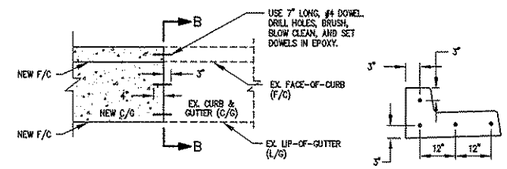


PLAN VIEW

N.T.S.

SECTION A-A

N.T.S.



PLAN VIEW

N.T.S.

SECTION B-B

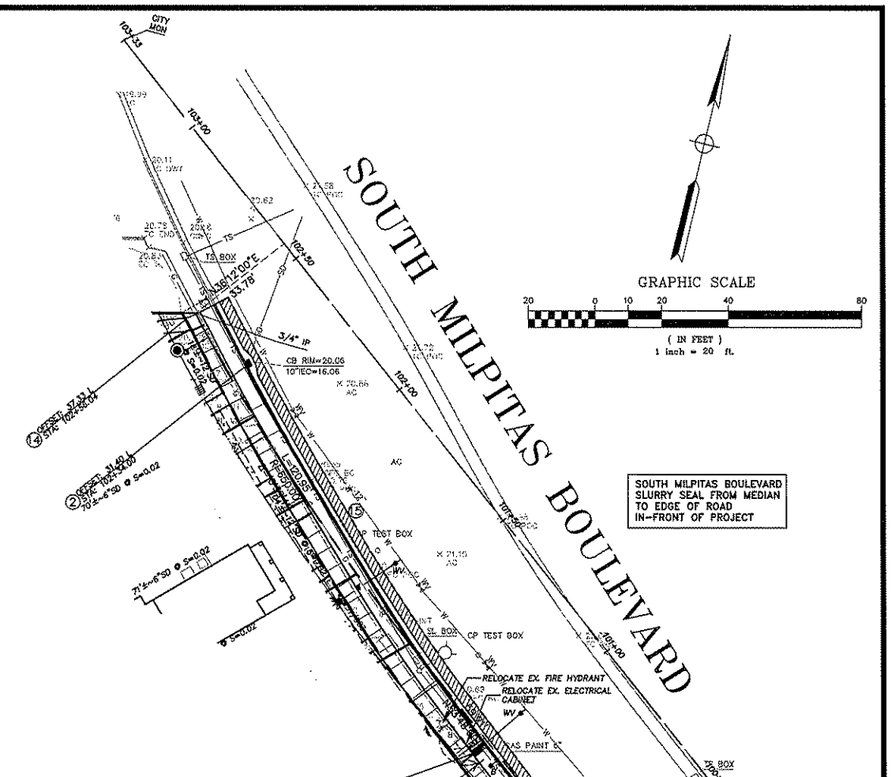
N.T.S.

DOWEL CONNECTIONS DETAIL 2

N.T.S.

PLAN KEYNOTES

1. END OF SIDEWALK
2. CONNECT NEW STORMDRAIN LINE TO EXISTING CB
3. REMOVE EXISTING SIGN
4. REMOVE EXISTING IC VAULT
5. REMOVE EXISTING BFP & METERS
6. INSTALL NEW WM, 6" WATER LINE, AND WATER VALVE
7. CONNECT NEW 6"SS LINE TO EXISTING MH (IEI 14.05)
8. CONSTRUCT 45 LF DRIVEWAY (PER CITY STD. DETAIL 434)
9. CONNECT NEW STORMDRAIN LINE TO EXISTING CATCH BASIN
10. ADJUST EXISTING WATER VAULT TO FINISH GRADE
11. ADJUST EXISTING ELECTRICAL VAULT TO FINISH GRADE
12. CONSTRUCT NEW ADA RAMP (PER CITY STD. DETAIL 419)
13. RELOCATE EXISTING FIRE HYDRANT AND BOLLARD TO NEW LOCATION
14. CONNECT NEW SIDEWALK TO OLD (SEE DETAIL 2/OS-1)
15. CONSTRUCTION JOINT (SEE DETAIL 1/OS-1)



REGISTERED PROFESSIONAL ENGINEER
DAVID B. VOORHIES
No. 26429
Exp. 03-31-14
CIVIL
STATE OF CALIFORNIA

DESC.	REVISIONS	DATE

U&R
UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1530 Oakland Road Ste. A14 San Jose, Ca. 95131
Tel. No. (408) 453 1222 Fax No. (408) 453 1207

LOS COCHES
CASTLE COMPANY
MILPITAS CALIFORNIA

OFF-SITE
STREET IMPROVEMENT PLAN

Date 9-27-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
OS-1

STREETSCAPE

South Milpitas Boulevard / Live-Work

0 2 4 8

SCALE: 3/16" = 1'-0"
March 12, 2013

MILPITAS SFD

Milpitas, California
Castle Companies

SS

Tuscan

Tuscan Elevation

Roof:	Concrete Tile
Fascia:	Gutter o/ 2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Pot Shelf w/ Corbels
	Metal Deck Railing
	Stone Veneer

Traditional

Traditional Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Barge:	2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Siding
	Outlookers
	Wood Deck Railing

Craftsman Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Barge:	2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Gable End Siding
	Outlookers & Knee Braces
	Wood Deck Railing
	Stone Veneer

Craftsman

Plan One

Front Elevations

0 2 4 8

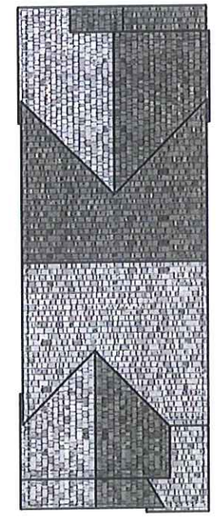
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

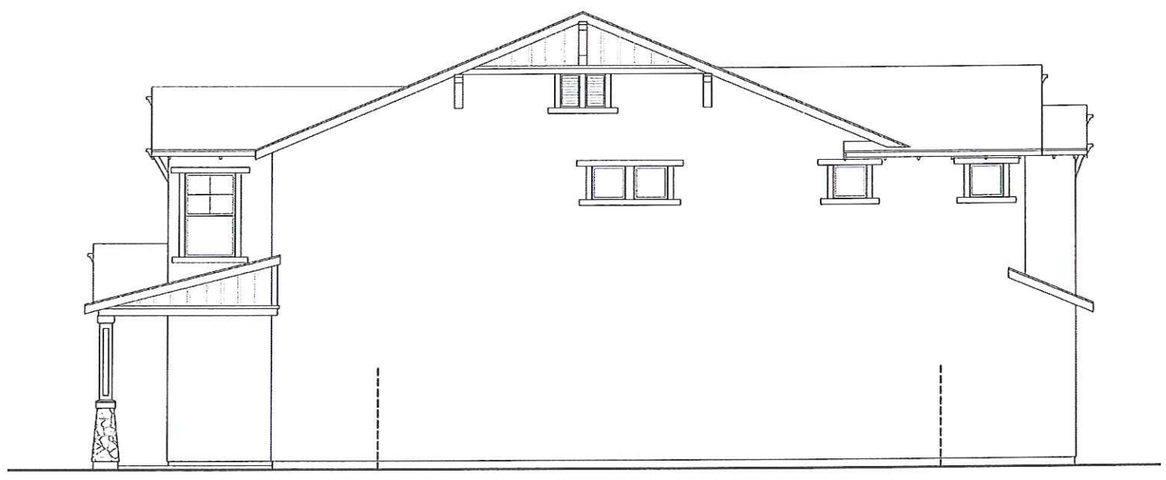
Milpitas, California
Castle Companies

D1.2

Left Side



Roof Plan



Right Side (Interior Lot)

Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan One

Craftsman Elevations

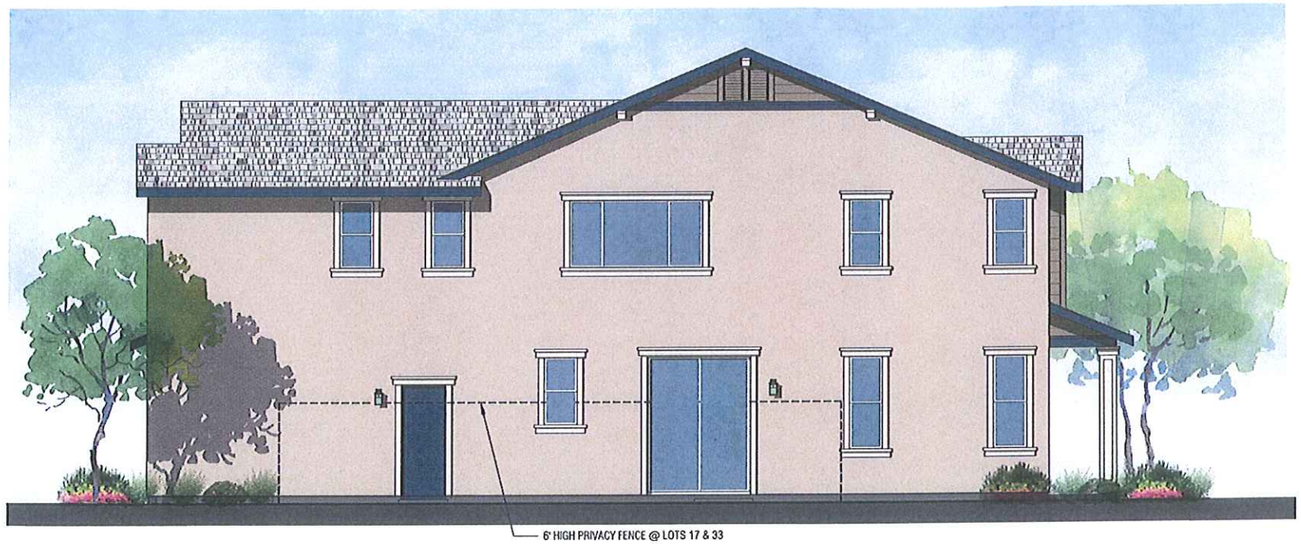
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

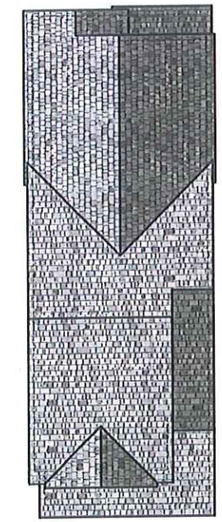
Milpitas, California
Castle Companies

D1.3

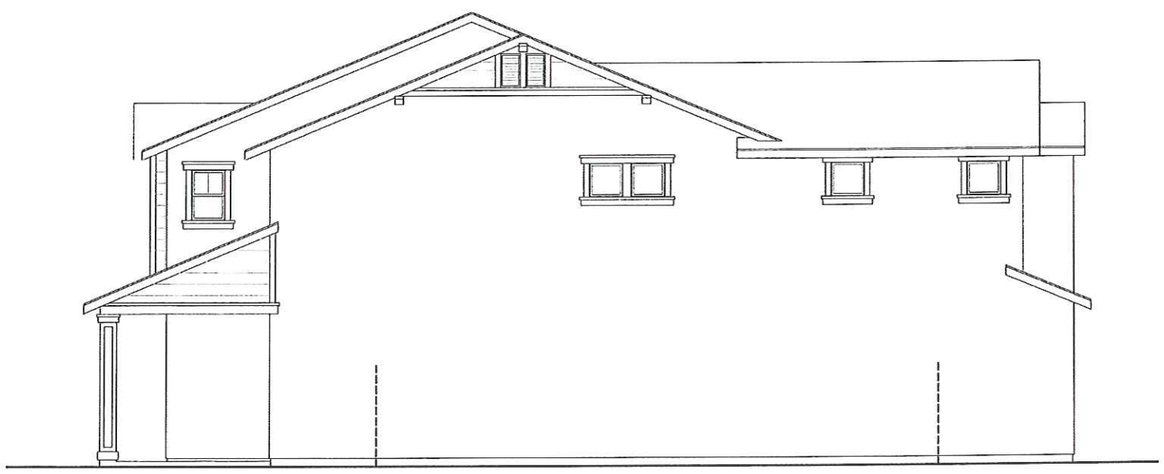


Left Side

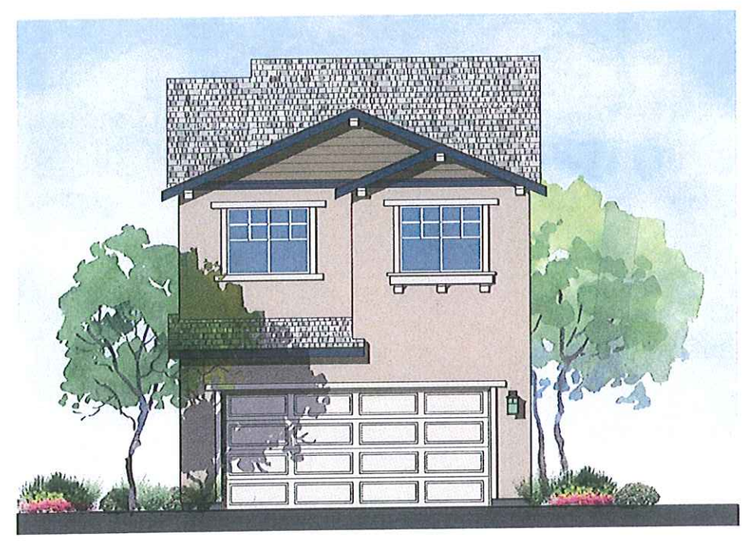
This Elevation occurs on the 'Public View Side' of Lots 17 & 33



Roof Plan



Right Side (Interior Lot)



Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan One

Traditional Elevations

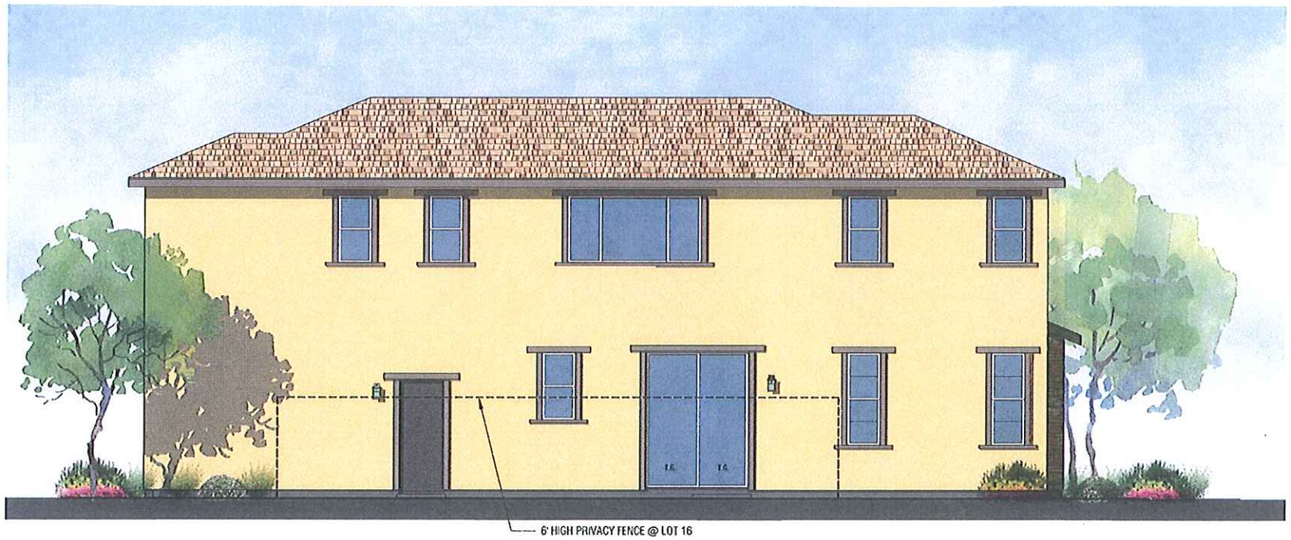
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

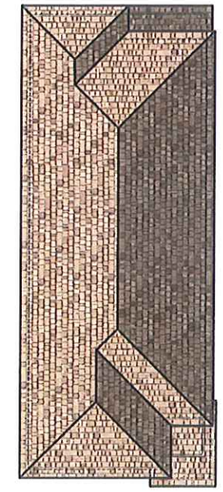
MILPITAS SFD

Milpitas, California
Castle Companies

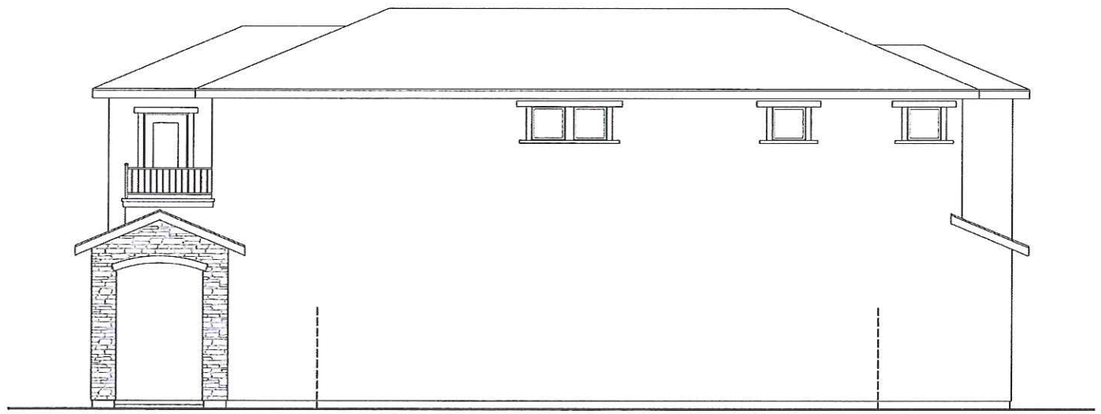
D1.4



Left Side
This Elevation occurs on the 'Public View Side' of Lot 16



Roof Plan



Right Side (Interior Lot)

Rear

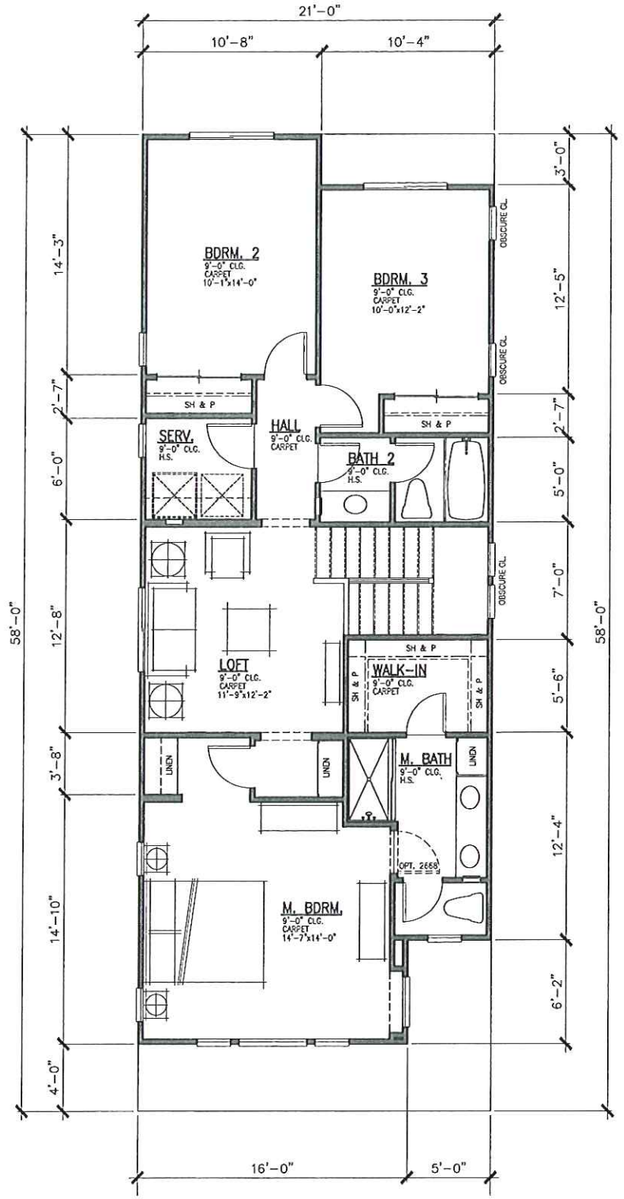
Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan One
Tuscan Elevations

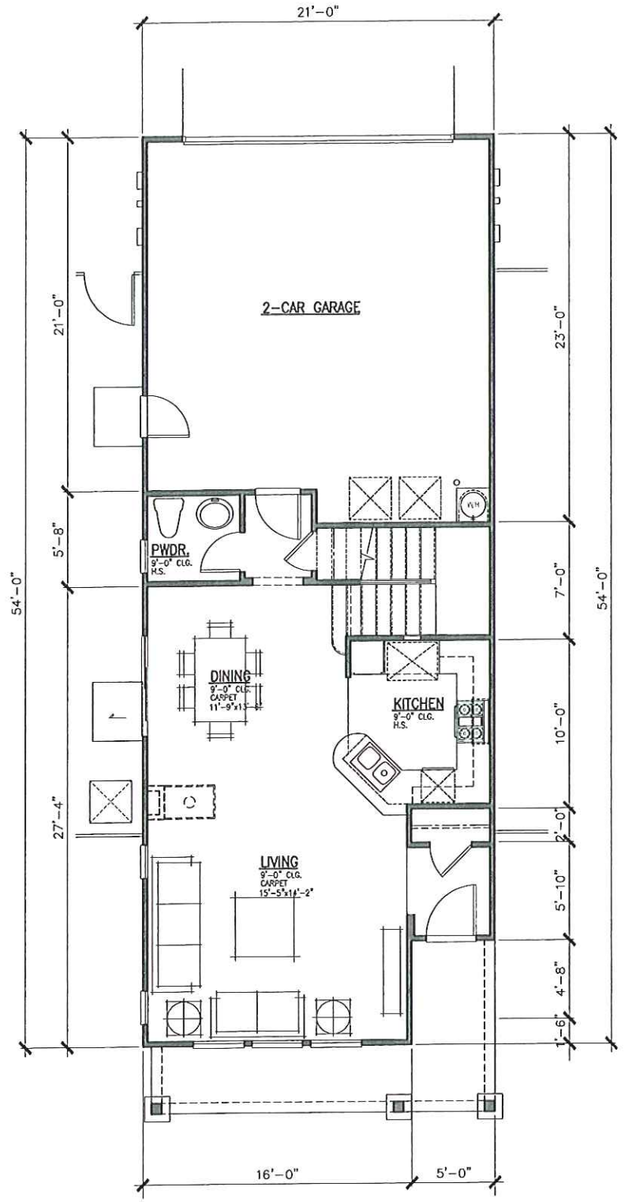
0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D1.5



UPPER LEVEL PLAN



LOWER LEVEL PLAN

Plan One

1652 Square Feet
3 Bedrrom & Loft w/ 2 1/2 Baths
2-Car Garage
(The Craftsman Elevation is shown in plan here, other Elevation Styles may vary in fenestration)

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

Milpitas, California
Castle Companies

D1.1

English

English Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Bay Window Metal Deck Railing Pot Shelf w/ Corbels

Tuscan Elevation

Roof:	Concrete Tile
Fascia:	Gutter o/ 2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Pot Shelf w/ Corbels Metal Deck Railing Stone Veneer

Tuscan

Traditional

Traditional Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Barge:	2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Siding Outlookers Wood Deck Railing Brick Veneer

Craftsman Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Barge:	2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Gable End Siding Outlookers & Knee Braces Wood Deck Railing Stone Veneer

Craftsman

Plan Two

Front Elevations

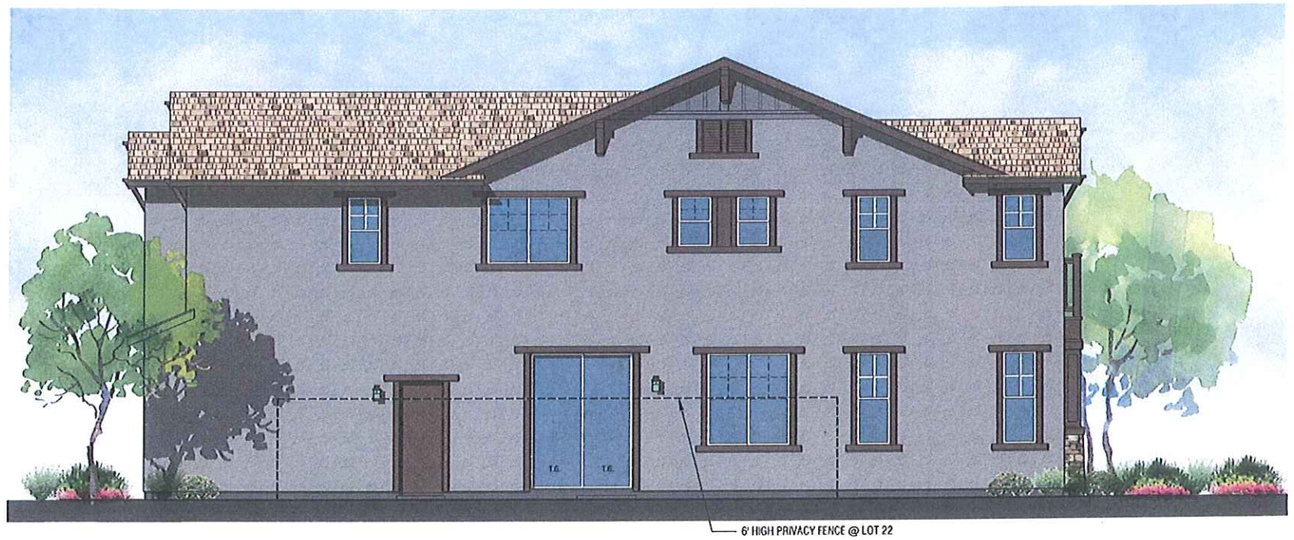
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

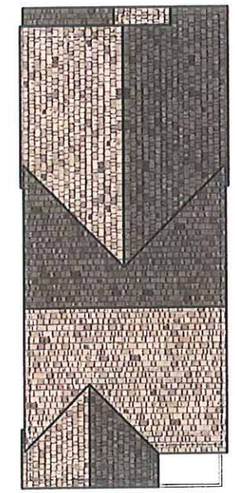
Milpitas, California
Castle Companies

D2.2

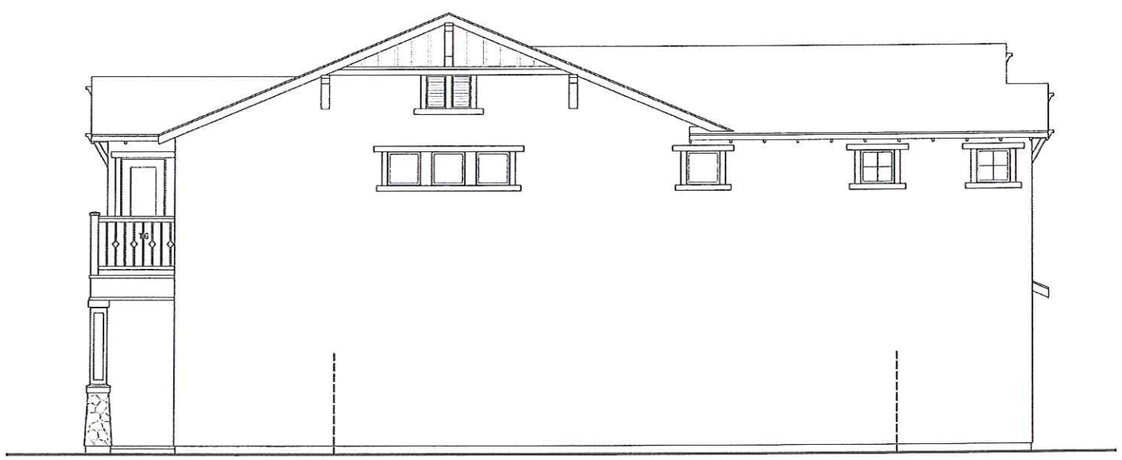


Left Side

This Elevation occurs on the 'Public View Side' of Lot 22



Roof Plan



Right Side (Interior Lot)

See Sheet D2.7 for Enhanced Elevation when occurs on the 'Public View Side' of a Lot

Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two

Craftsman Elevations

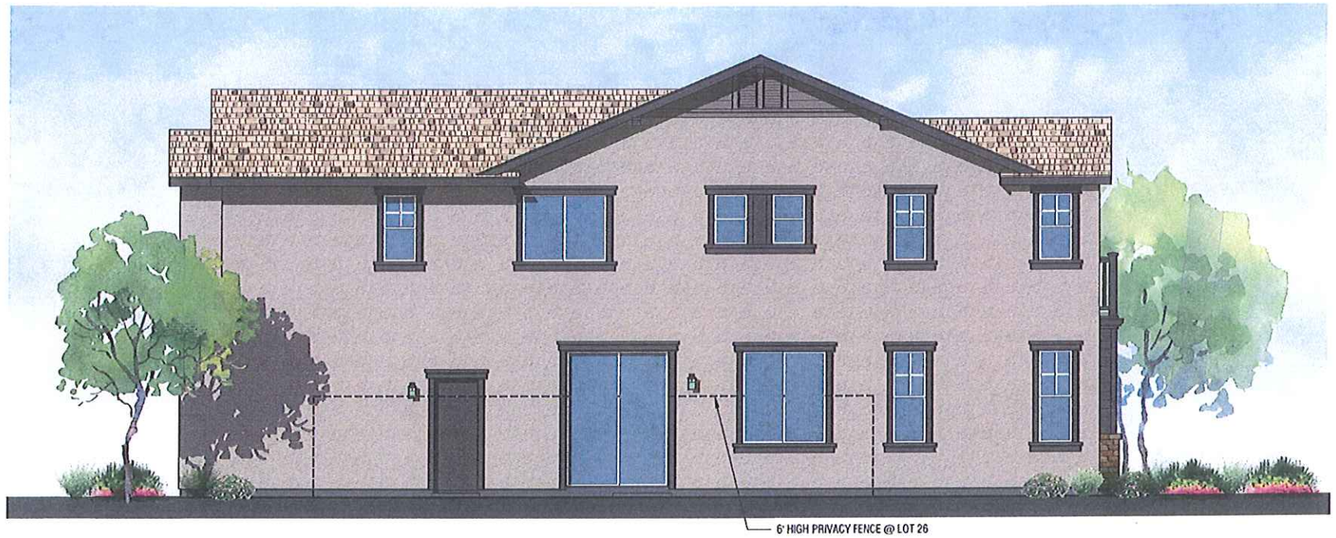
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

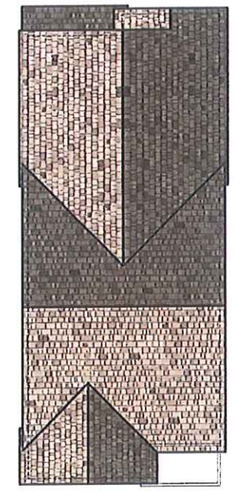
Milpitas, California
Castle Companies

D2.3

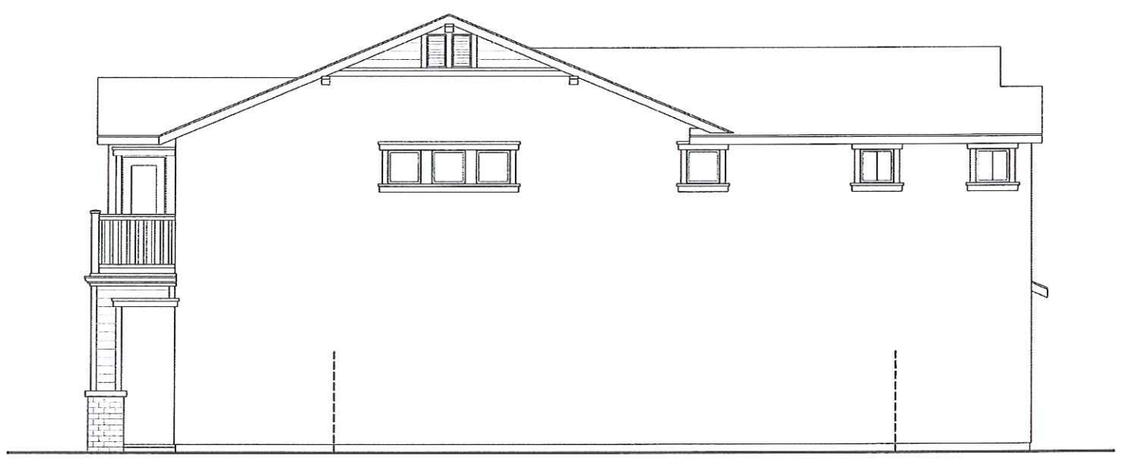


Left Side

This Elevation occurs on the 'Public View Side' of Lot 26



Roof Plan



Right Side (Interior Lot)

See Sheet D2.7 for Enhanced Elevation when occurs on the 'Public View Side' of a Lot

Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two

Traditional Elevations

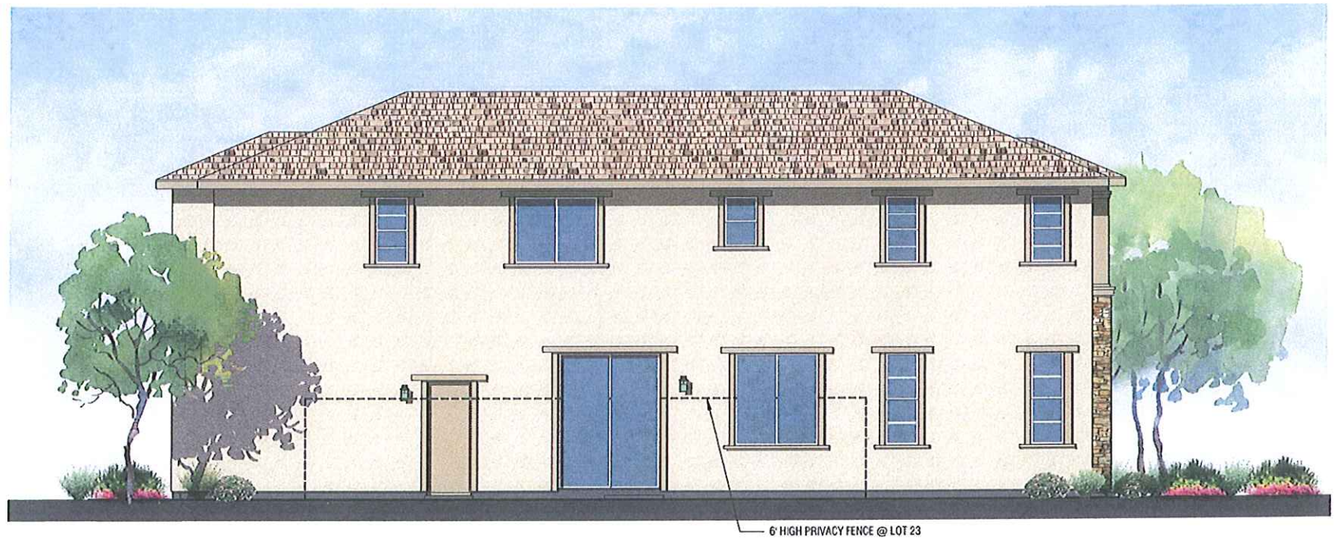
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

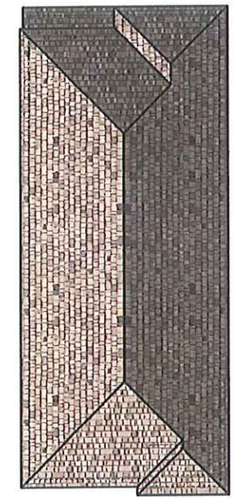
Milpitas, California
Castle Companies

D2.4

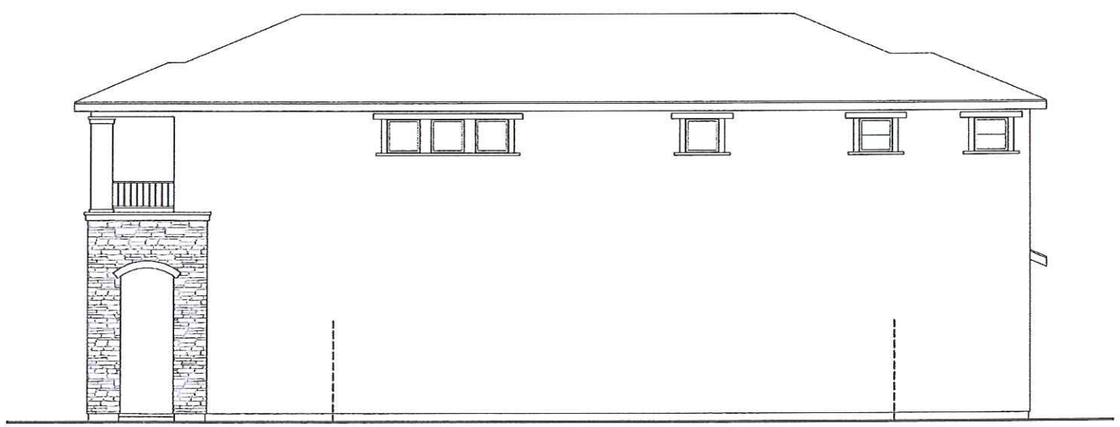


Left Side

This Elevation occurs on the 'Public View Side' of Lot 23



Roof Plan



Right Side (Interior Lot)

See Sheet D2.7 for Enhanced Elevation when occurs on the 'Public View Side' of a Lot

Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two

Tuscan Elevations

0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

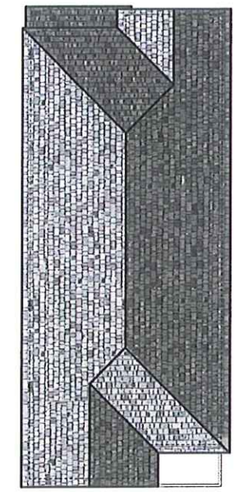
MILPITAS SFD

Milpitas, California
Castle Companies

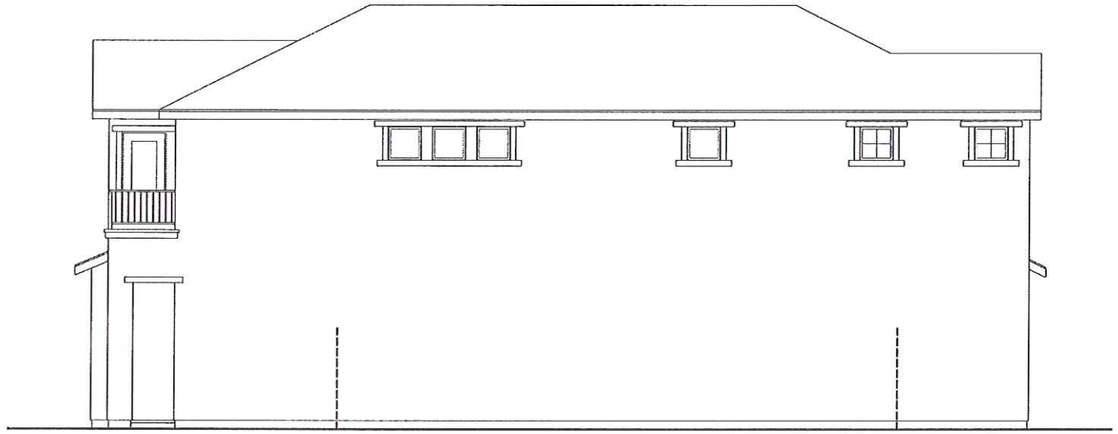
D2.5

Left Side

This Elevation occurs on the 'Public View Side' of Lot 12



Roof Plan



Right Side (Interior Lot)

See Sheet D2.7 for Enhanced Elevation when occurs on the 'Public View Side' of a Lot

Rear

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two

English Elevations

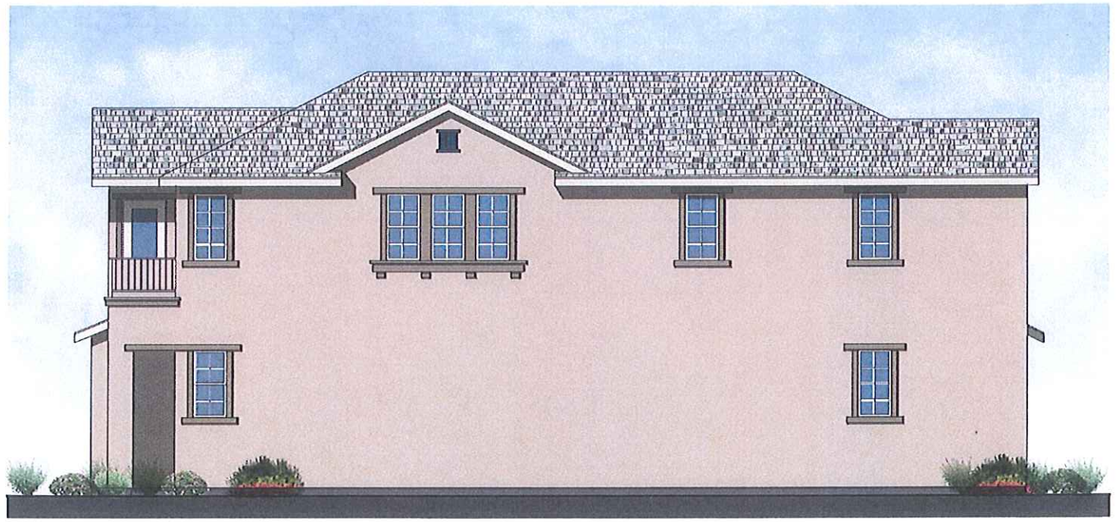
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

Milpitas, California
Castle Companies

D2.6

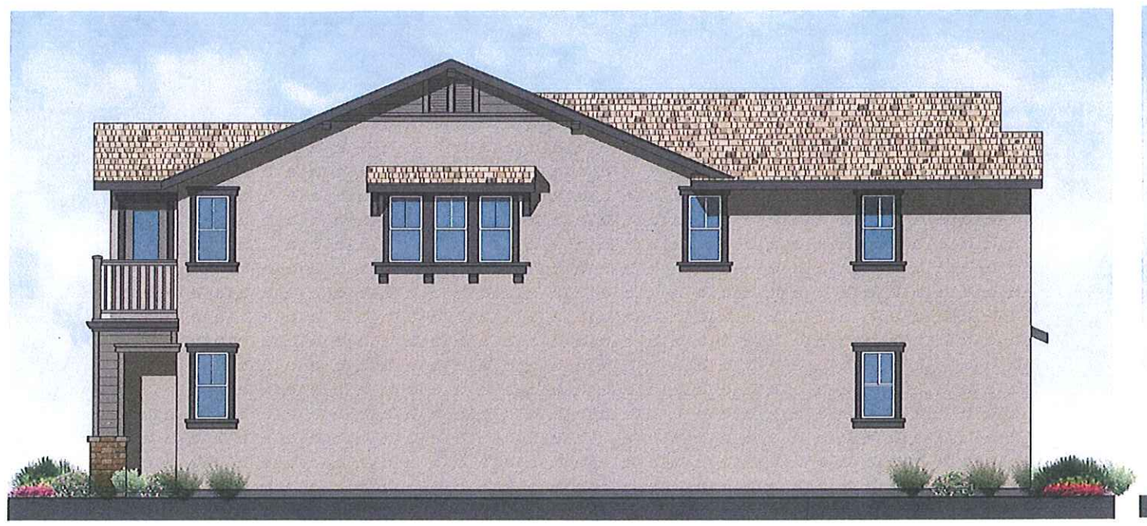


English (Exterior Lot)

This Elevation occurs on the 'Public View Side' of Lots 13, 19, & 28

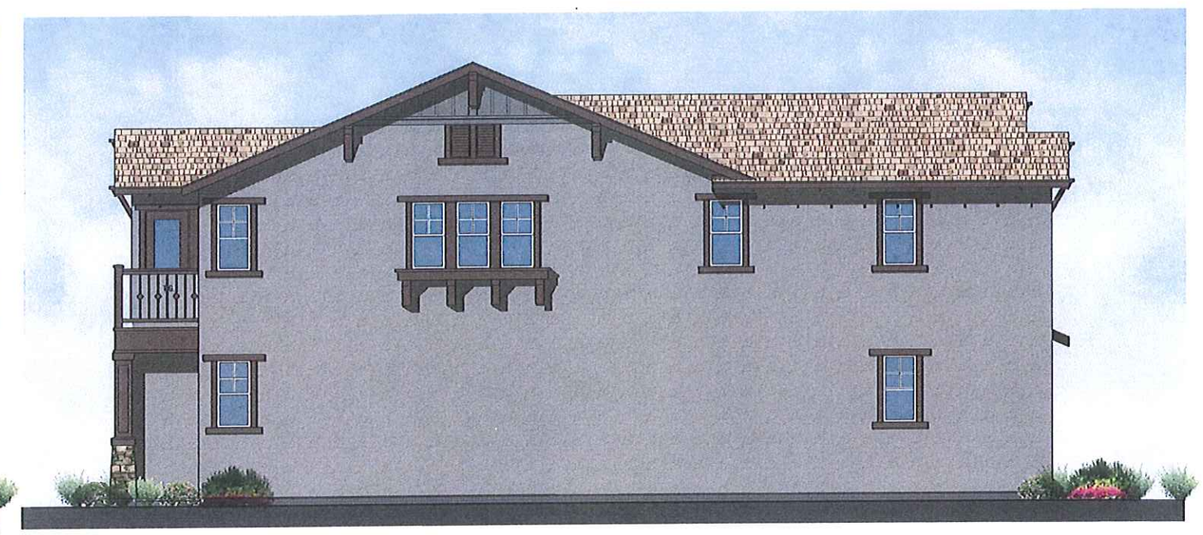
Tuscan (Exterior Lot)

This Elevation occurs on the 'Public View Side' of Lot 27



Traditional (Exterior Lot)

This Elevation occurs on the 'Public View Side' of Lots 9 & 20



Craftsman (Exterior Lot)

This Elevation occurs on the 'Public View Side' of Lots 1 & 25

Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two

Enhanced Right Side Elevations

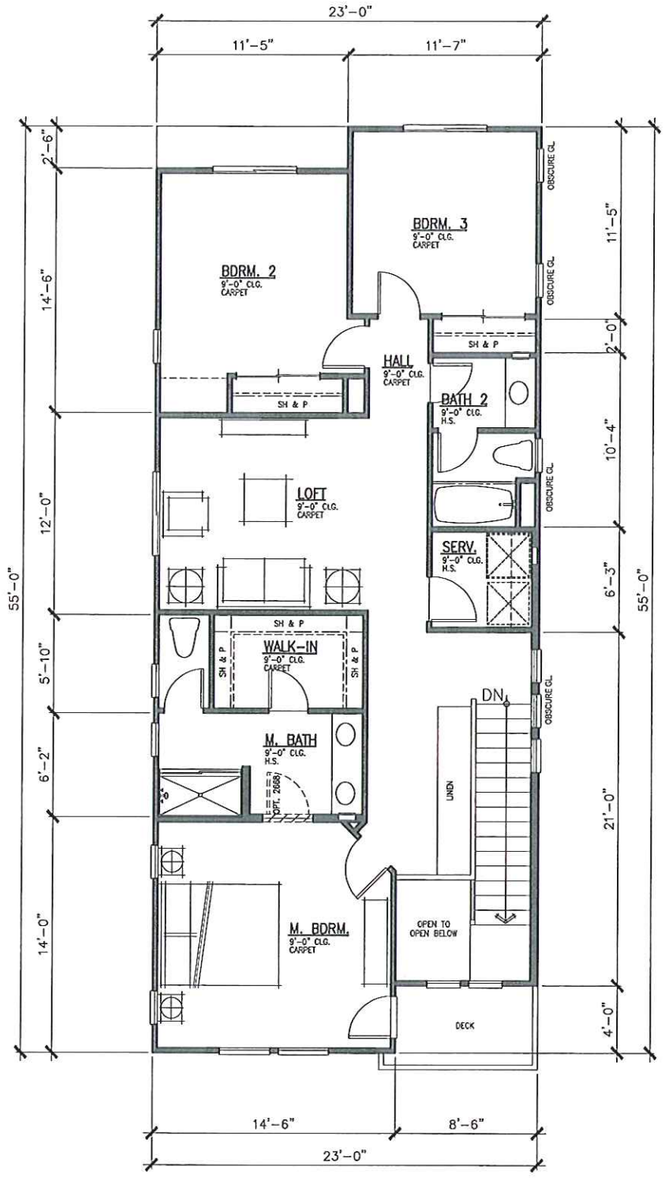
0 2 4 8

SCALE: 1/4" = 1'-0"
November 9, 2012

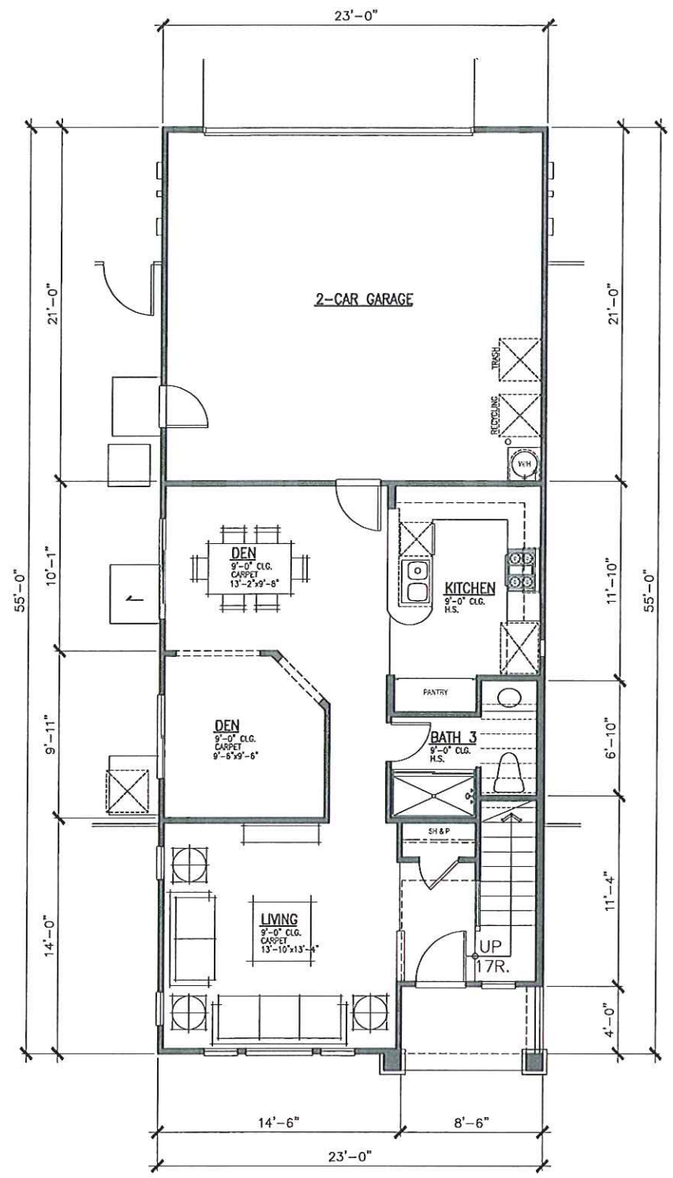
MILPITAS SFD

Milpitas, California
Castle Companies

D2.7



UPPER LEVEL PLAN



LOWER LEVEL PLAN

Plan Two

1865 Square Feet
3 Bedrrom, Den & Loft w/ 3 Baths
2-Car Garage
(The Traditional Elevation is shown in plan here, other Elevation Styles may vary in fenestration)

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

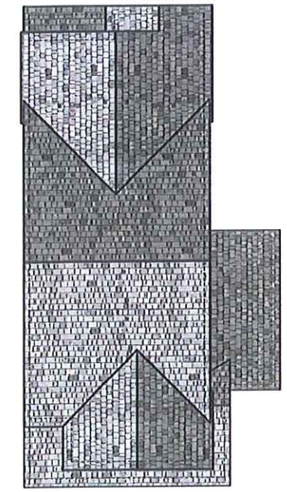
MILPITAS SFD

Milpitas, California
Castle Companies

D2.1

Craftsman Elevation

Roof:	Composition Shingle
Fascia:	Gutter o/ 2x6 Wood
Barge:	2x6 Wood
Walls:	3-Coat Stucco
Trim:	Stucco o/ Foam
Accents:	Gable End Siding Outlookers & Knee Braces Wood Deck Railing Stone Veneer



Roof Plan

Front (Los Coches St.)

Right Side (S. Milpitas Blvd.)

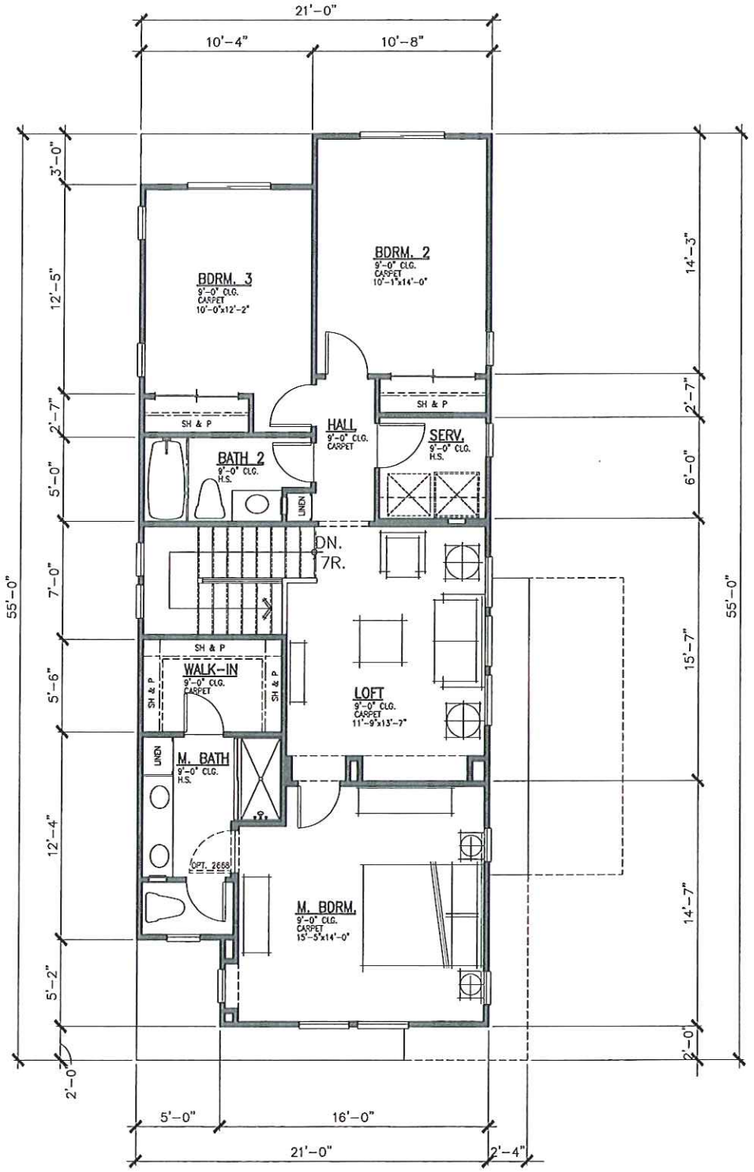
See Plan 1 Craftsman Elevations, sheet D1.3, for the Rear and Left Side Elevations.

Plan One - Lot 8
Craftsman Elevations

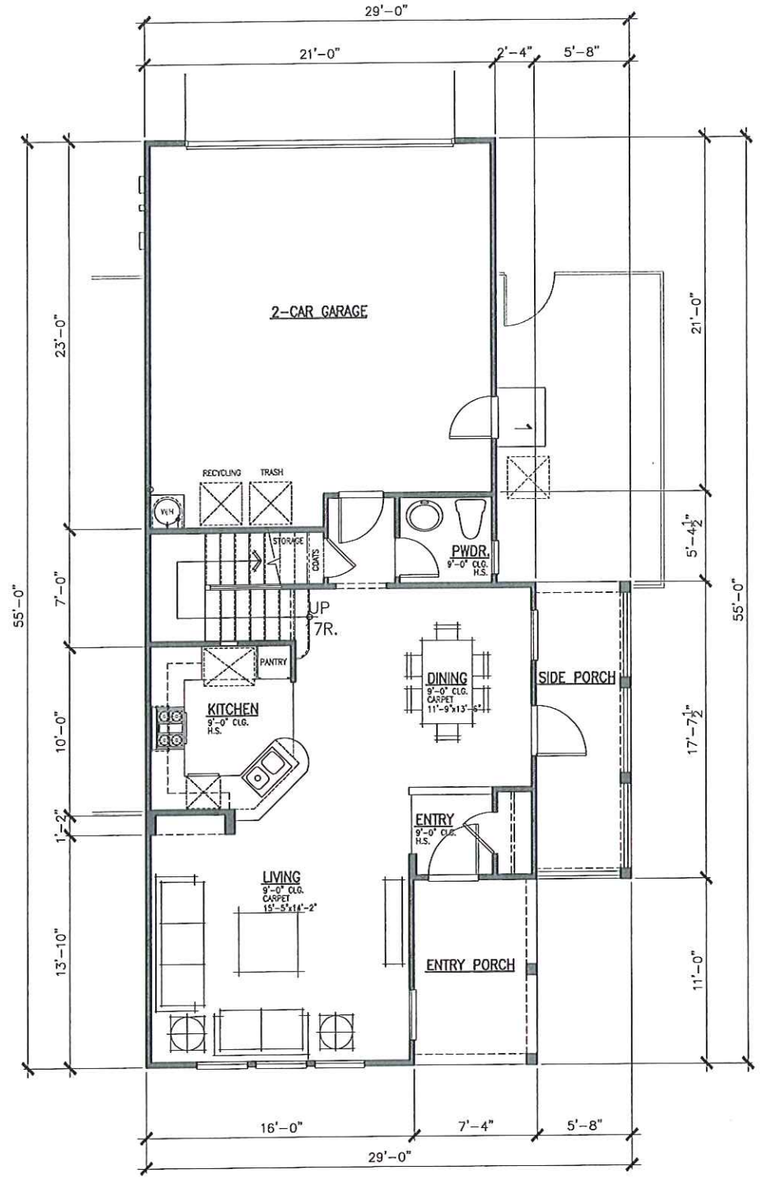
0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D1.7



UPPER LEVEL PLAN



LOWER LEVEL PLAN

Plan One Special - Lot 8

1734 Square Feet
3 Bedrrom & Loft w/ 2 1/2 Baths
2-Car Garage

0 2 4 8

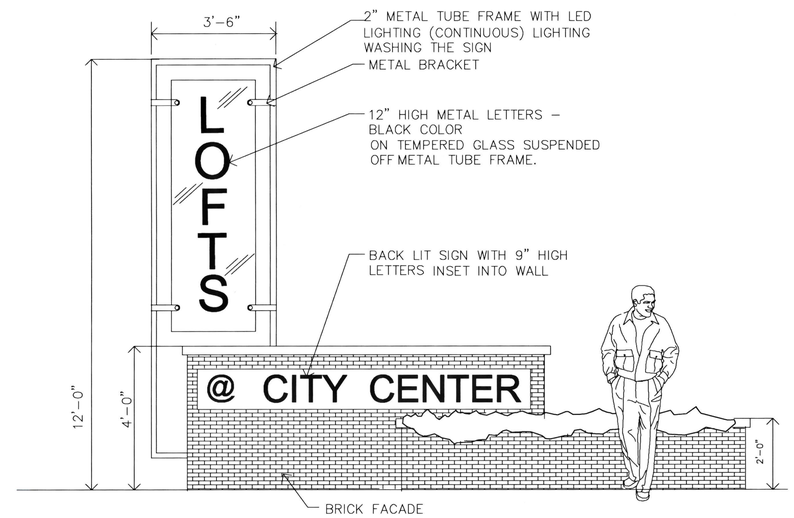
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD

Milpitas, California
Castle Companies

D1.6

WORK SPACE UNITS



MONUMENT SIGN

SCALE
0 8 16

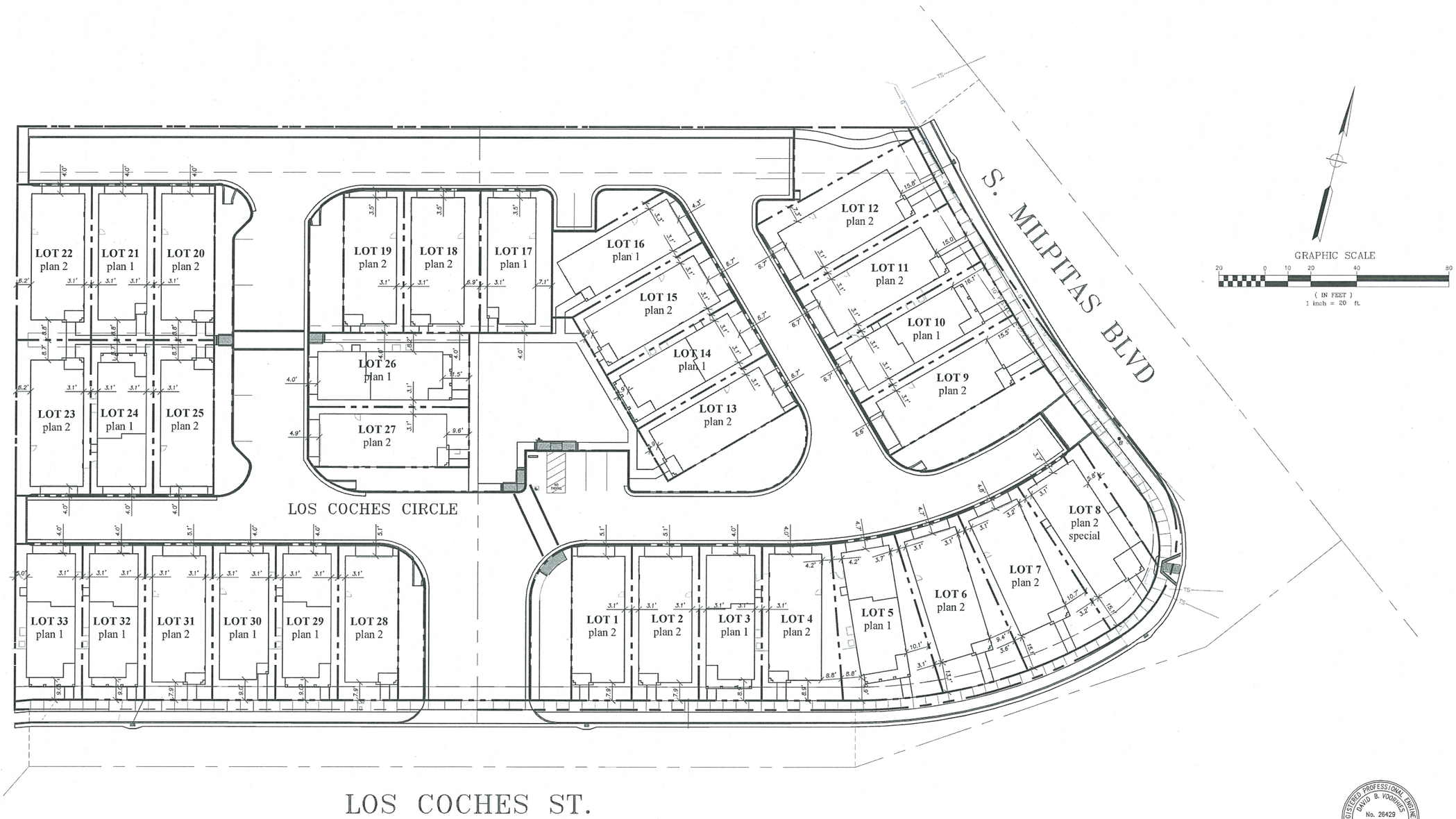
PRELIMINARY LANDSCAPE DEVELOPMENT PLAN

REVISIONS	BY:
	JIM
	JIM

JAMES SWANSON - LANDSCAPE ARCHITECT
5100-B CLAYTON ROAD #188 CONCORD, CA 94521
PHONE: 925-672-8000 FAX: 925-672-8001
www.jamesswanson.com/info@jamesswanson.com

LOS COCHES
MILPITAS, CALIFORNIA

DRAWN	JIM
CHECKED	JIM
DATE	3/12/13
SCALE	1"=16'
JOB NO.	
SHEET	L-7
OF	SHEETS



REGISTERED PROFESSIONAL ENGINEER
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No. 26429
Exp. 03-31-14
CIVIL
STATE OF CALIFORNIA

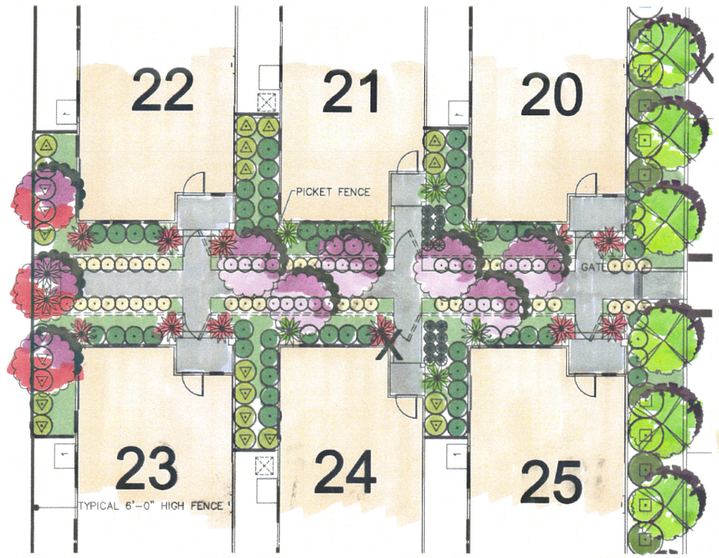
#	DESC.	REVISIONS	DATE
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1830 Gateway Blvd Ste. 414 San Jose, Ca 95131
Tel. No. (408) 453 1200 Fax No. (408) 453 1207

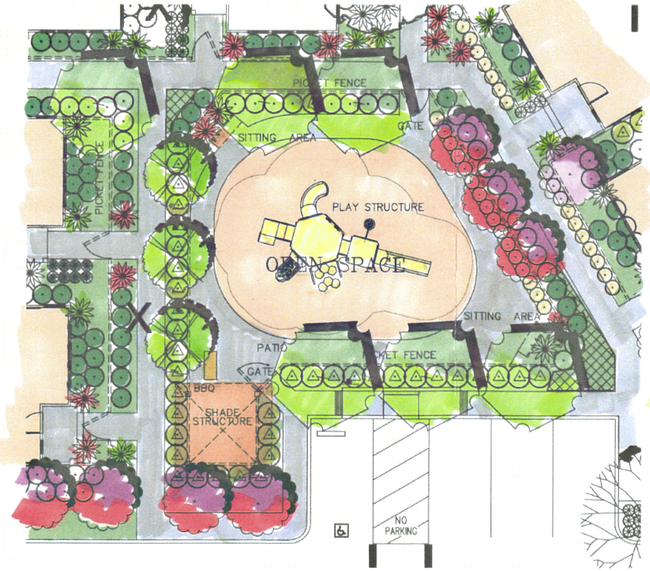
375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

SITE PLAN
EXHIBIT

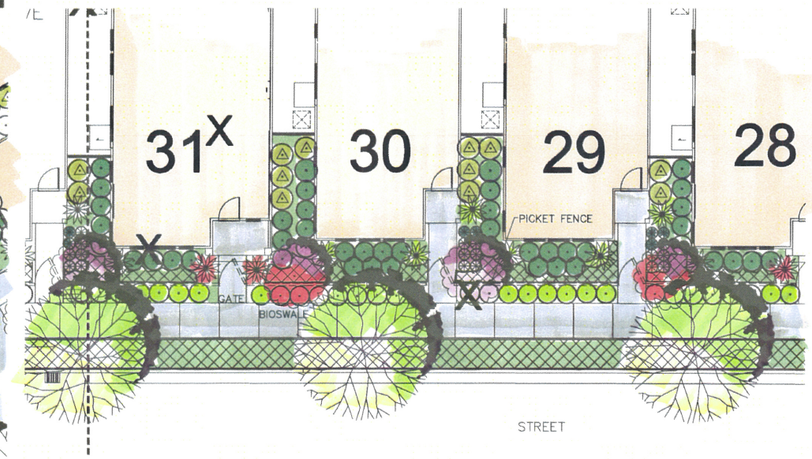
Date 12-11-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
1



TYPICAL INTERIOR LANDSCAPES



RECREATION AREA

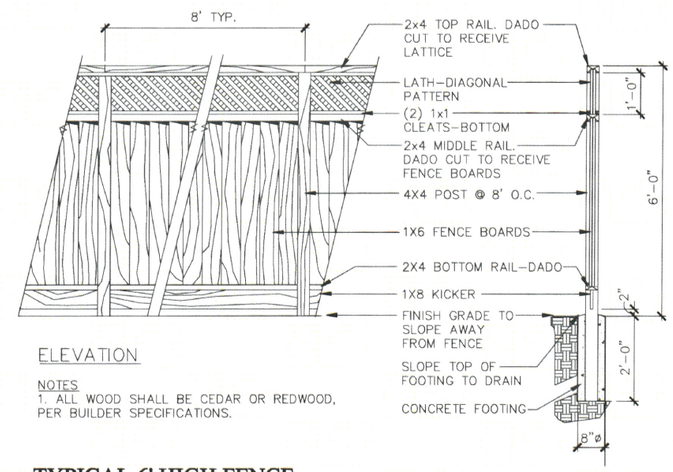


TYPICAL STREET FRONT LANDSCAPES

PROPOSED PLANT MATERIALS

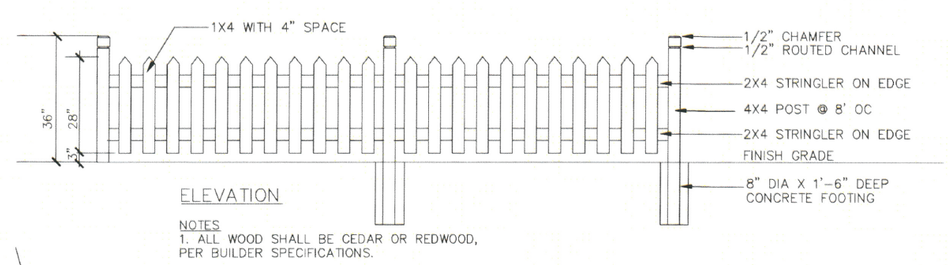
SMALL FLOWERING TREES SUCH AS:	24" BOX SPECIMEN
ARBUTUS U. 'STANDARD'	STRAWBERRY TREE
PHOTINIA F. 'STANDARD'	SCARLET TOYON
LAGERSTROEMIA I. 'CHEROKEE'	CRAPE MYRTLE
VERTICAL ACCENT TREE SUCH AS:	24" BOX SPECIMEN
CARPINUS 'FRANS FONTAINE'	HORNBEAM
CONIFEROUS TREES SUCH AS:	24" BOX SPECIMEN
PINUS CANARENSIS	CANARY ISLAND PINE
SEQUOIA SEMPERVIRENS	COAST REDWOOD
FLOWERING TREES SUCH AS:	24" BOX SPECIMEN
PRUNUS C. 'KRAUTER VESUVIUS'	FLOWERING PLUM
ARBUTUS 'MARINA'	MARINE ARBUTUS
CRATAEGUS LAEVIGATA	ENGLISH HAWTHORN
DECIDOUS SHADE TREES SUCH AS:	24" BOX SPECIMEN
PISTACHIA CHINENSIS	CHINESE PISTACHE
ACER NIGRUM	BLACK MAPLE
ULMUS PARVIFOLIA	CHINESE ELM
PYRUS C. 'ARISTOCRAT'	ARISTOCRAT PEAR
EVERGREEN SHADE TREES SUCH AS:	24" BOX SPECIMEN
OLEA EUROPAEA 'SWAN HILL'	OLIVE

TALL SHRUBS SUCH AS:	5 GALLON SIZE
PHOTINIA FRASERI	SCARLET TOYON
XYLOSMA CONGESTUM	XYLOSMA
MEDIUM HIGH SHRUBS SUCH AS:	5 GALLON SIZE
ESCALLONIA FRADESI	ESCALLONIA
LIGUSTRUM JAPONICIUM	WAXLEAF PRIVET
NANDINA DOMESTICA	HEAVENLY BAMBOO
VIBURNUM 'SPRING BOUQUET'	VIBURNUM
LOW SHRUBS SUCH AS:	5 GALLON SIZE
COLEONEMA P. 'SUNSET GOLD'	BREATH OF HEAVEN
RHAPHIOLEPIS I. 'SPRINGTIME'	INDIA HAWTHORN
RHAPHIOLEPIS I. 'BALLERINA'	INDIA HAWTHORN
LAVENDULA ANGUSTIFOLIA	ENGLISH LAVENDER
ROSMARINUS 'TUSCAN BLUE''	UPRIGHT ROSEMARY
LANTANA MONTEVIDENSIS	LANTANA
TRACHELOSPERMUM JASMINIODES	STAR JASMINE
MEDIUM SIZE ACCENT SHRUBS SUCH AS:	5 GALLON SIZE
DIETES IRIDIOIDES	FORTNIGHT LILY
PHORMIUM 'BRONZE BABY'	NEW ZEALAND FLAX
PHORMIUM 'APRICOT GREEN'	VARIEGATED NEW ZEALAND FLAX
PHORMIUM 'MAORI QUEEN'	VARIEGATED NEW ZEALAND FLAX
SMALL SIZE ACCENT SHRUBS SUCH AS:	1 GALLON SIZE
NANDINA D. 'COMPACTA'	COMPACT HEAVENLY BAMBOO
AGAPANTHUS AFRICANUS	LILY OF THE NILE
HEMEROCALLIS 'YELLOW EVERGREEN'	EVERGREEN DAYLILY
TULBAGHIA VIOLACEA	SOCIETY GARLIC
GROUND COVERS	
COTONEASTER 'LOW FAST'	PROSTRATE COTONEASTER
GAZANAIA 'MITSUWA YELLOW'	YELLOW GAZANIA
SOD LAWN – TO BE TALL FESCUE	
BIO-SWALE PLANTINGS	



NOTES
1. ALL WOOD SHALL BE CEDAR OR REDWOOD, PER BUILDER SPECIFICATIONS.

TYPICAL 6' HIGH FENCE



NOTES
1. ALL WOOD SHALL BE CEDAR OR REDWOOD, PER BUILDER SPECIFICATIONS.

WHITE PICKET FENCE

TYPICAL FRONT YARD LANDSCAPES/ PLANT MATERIALS LIST/FENCING DETAILS

REVISIONS	BY:
	JIM
	JIM

JAMES SWANSON - LANDSCAPE ARCHITECT
5180-1B CLAYTON ROAD #186, CONCORD, CALIFORNIA 94521
PHONE: (925) 676-9400 FAX: (925) 676-4041

LOS COCHES
MILPITAS, CALIFORNIA

DRAWN	JIM
CHECKED	JIM
DATE	10/1/12
SCALE	AS SHOWN
JOB NO.	
SHEET	L-2
OF	SHEETS

Milpitas Unified School District

1331 E. Calaveras Blvd., Milpitas, CA 95035
Web site: www.musd.org

Valued ☆ Challenged ☆ Successful

Cary Matsuoka
Superintendent
Tel. (408) 635-2600 ext. 6013 Fax (408) 635-2616
E-mail: cmatsuoka@musd.org

F

February 8, 2013

City Manager
FEB 11 2013
RECEIVED

Mr. Thomas C. Williams
Milpitas City Manager
455 East Calaveras Boulevard
Milpitas, CA 95035

Dear Mr. Williams:

Milpitas Unified School District was informed that "*DRG Builders, Inc.*" submitted a request to build new single family homes at 375 Los Coches Street and 121 S. Milpitas known as Heaton Residential. The proposed project is to demolish the existing building and construct 33 new single family residential homes on the project site.

In November 2011, the District conducted an enrollment projection study. This study forecasted a rise of more than 600 students in the next five years. The growth will have a tremendous impact on facilities.

Currently, under construction is the Los Coches Residential Development located at 905-980 Los Coches by Robson Homes, LLC for 83 homes. Also, the City has pending Braddock & Logan Single Family project located at 31 S. Milpitas and 345 Los Coches to construct 80 single family homes. Building more new homes in this area would greatly impact placement of new students in Milpitas schools. District school capacity has reached its limit to provide space.

In addition, the potential residential units are too far from our existing elementary schools, therefore, are not feasibly located where students can walk or cycle to school without other types of transportation. This will place additional hardship to the students, parents and District.

Milpitas Unified School District is strongly against "*DRG Builders, Inc.*" project to develop new residential homes in the proposed location.

Sincerely,

Cary Matsuoka

Cary Matsuoka
Superintendent

Appendix G

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Milpitas Residential Lots 1 & 2 Los Coches

2. Lead agency name and address: City of Milpitas, 455 E Calaveras Blvd., Milpitas, CA 95035

3. Contact person and phone number: Tiffany Brown, 408-586-3283

4. Project location: 375 Los Coches (APN's 086-39-001, 002)

5. Project sponsor's name and address: San Ramon Land, LLC, C/O DRG Builders Inc., 3480 Buskirk Ave, Ste 260, Pleasant Hill, CA 94523

6. General plan designation: Town Center

7. Zoning: Town Center with Site and Architectural Overlay

8. Description of project: The project site, located at the corner intersection of S Milpitas Blvd and Los Coches Street, consists of two parcels. The first lot, (APN: 86-39-001) located at 345 Los Coches Street is a 1.489 acre parcel. The second lot, (APN: 86-39-002) is a 1.16 acre parcel consists of a 19,600 square foot R&D building with associated parking lot. The proposal includes a Major Tentative Map (No. MT12-0002), a Site Development Permit (No. SD12-0003), and a Conditional Use Permit (No. UP12-0016) to demo the existing 19,600 square foot building with associated parking and construct 33 new single family residential units across both properties equaling in approximately 2.655 acres.

9. Surrounding land uses and setting:
Just to the west of the site, a residential project is pending evaluation through the entitlement process for the construction of 80 new single family homes. Properties to the north are zoned Town Center and are currently professional offices. The property is bound to the east by S Milpitas Blvd and to the south is a business park zoned Heavy Industrial.

10. Other public agencies whose approval is required: Caltrans District #4, Fish & Game Region #3 and Toxic Substances Control Department

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the 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 potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

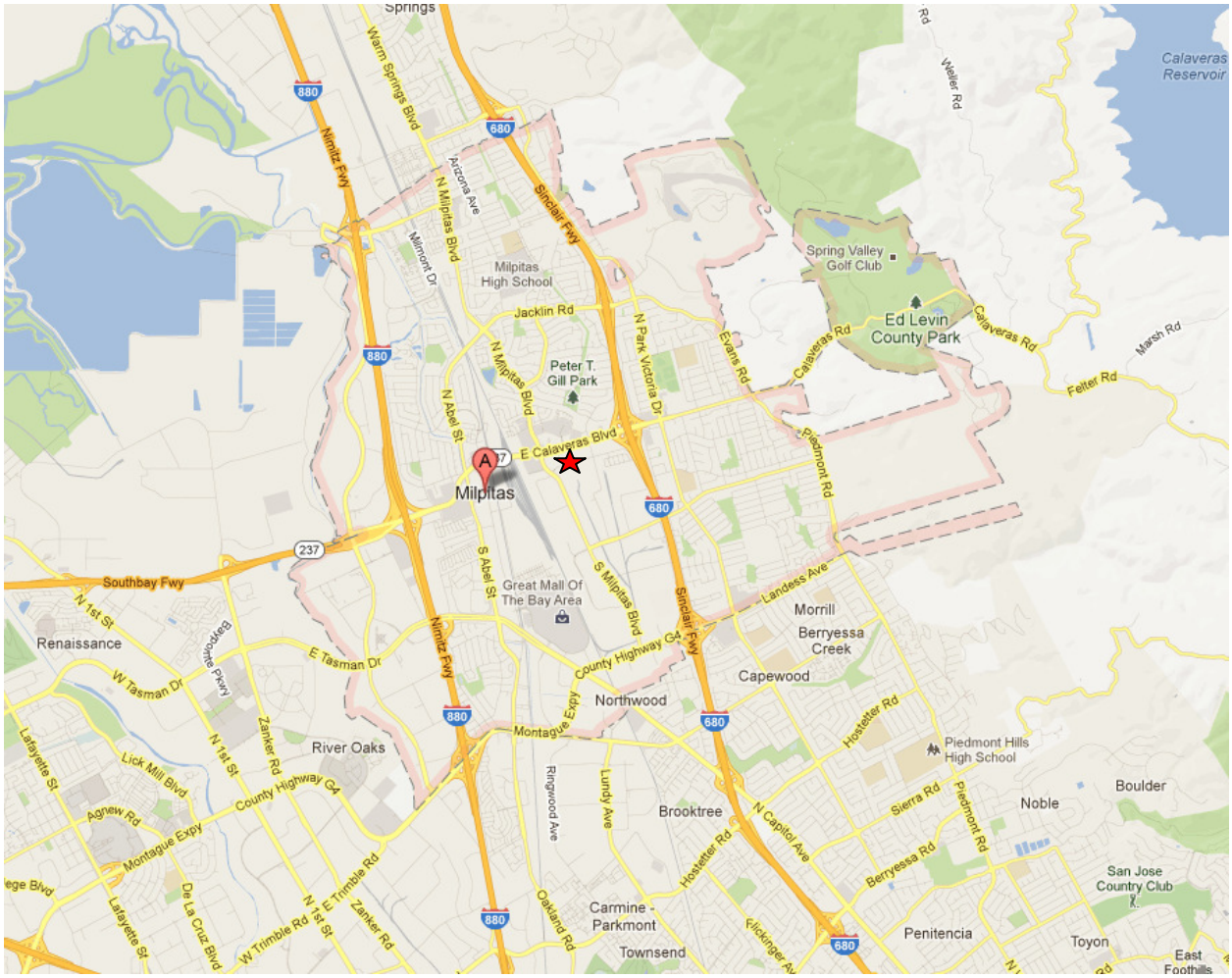
_____ _____
Signature Date

_____ _____
Printed Name For

Milpitas Residential Lots 1 & 2 Los Coches

MAPS

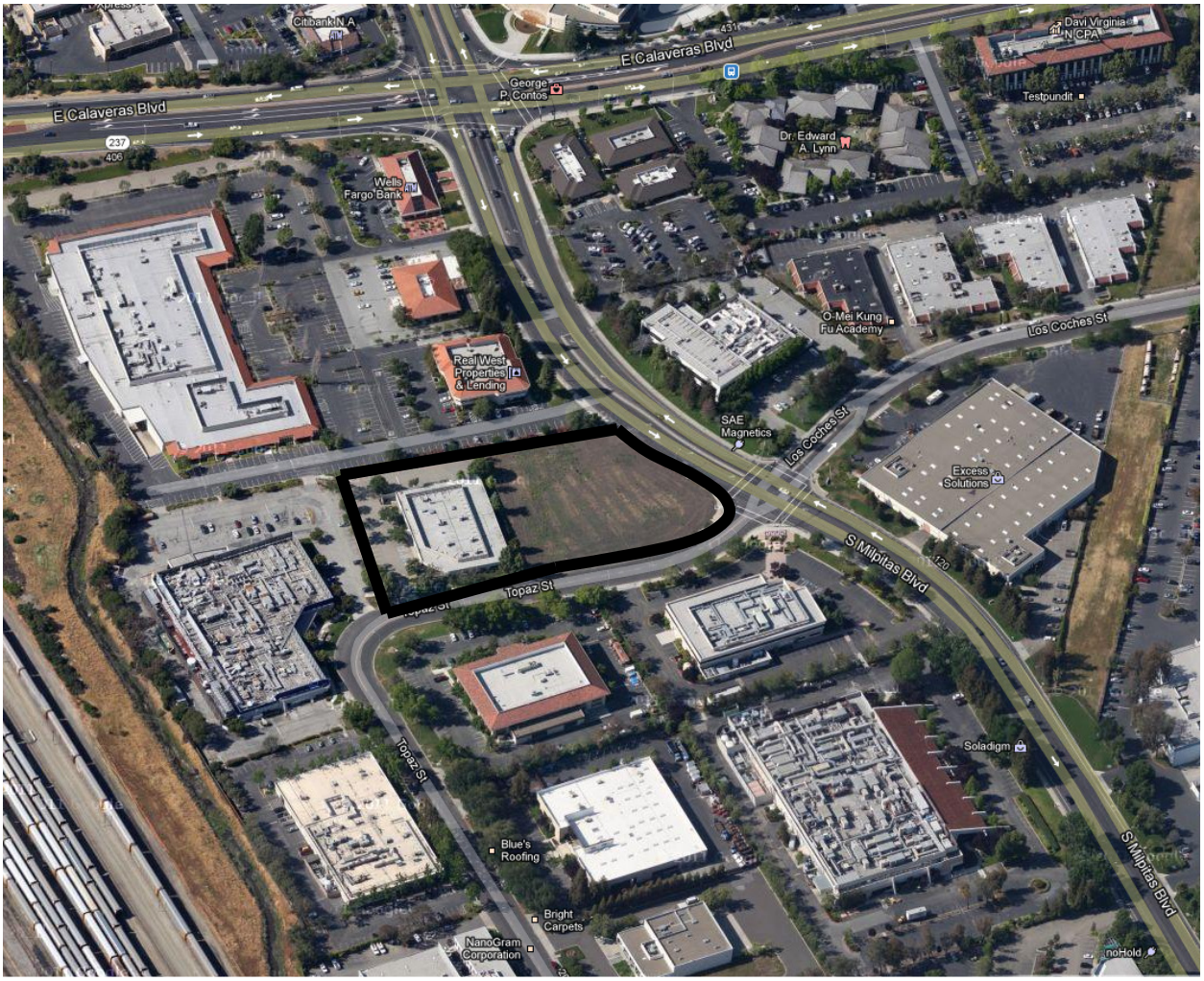
Figure 1: Regional Map



★ Project Location

Milpitas Residential Lots 1 & 2 Los Coches

Figure 2: Vicinity Map



Project Site

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

   a. the significance criteria or threshold, if any, used to evaluate each question; and
   b. the mitigation measure identified, if any, to reduce the impact to less than significance

ISSUES

I. 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?	☐	☐	☐	☒	2,4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	2,4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1, 8

The General Plan defines scenic resources as the foothills and the tree-lined Coyote Creek corridor. These resources provide a scenic backdrop and visual reference points for Milpitas. Scenic resources can be both natural and man-made. Figure 4-6 within the General Plan identifies hillsides, ridges visually significant vegetation and other elements that are deemed critical in shaping the City's scenic identity.

The project site is located on the northwest corner of the S Milpitas Boulevard and Los Coches Intersection. State Route 237, (Calaveras Boulevard) is located just to the north (approximately 700 ft.±), from the project site. State Route 237 is designated as a Scenic Route and Connector within the General plan. The Scenic Routes, in this case, are streets that provide efficient connections between areas of scenic value or provide distant views of Scenic Resources. Scenic Connectors is the same as a Scenic Route, but a Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the scenic Corridor land use controls. However, special design treatment – which may include roadside landscaping, undergrounding of utility lines, and street furnishings will be carried out to provide a visual continuity with the Scenic Corridors.

The existing commercial office buildings located to the north of the project site were built in the 1980's and stand one to two stories high. Adjacent to the project site, another project is currently being evaluated. Cumulative impacts are addressed in this document. Just to the west of that is a Wrigley Creek and trail, which abuts the Union Pacific Railroad Corporation yard and rail lines.

Comments/Conclusion:

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

The proposed homes are located approximately 700 lineal feet from the State Route 237 Scenic Route/Connector. From Calaveras Boulevard, the new buildings will not be visible.

2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **NI**
One of the project sites is an unoccupied R&D buildings with associated parking. The other site is undeveloped and lacks landscape maintenance. There will not be a disturbance of scenic resources such as trees, rock outcroppings or Historic Buildings on either property. The property does not include any documented historical significance for protected trees as defined in the Municipal Code.

3) Substantially degrade the existing visual character or quality of the site and its surroundings? **NI**
The proposal will enhance the community by revitalizing the area with new single family homes with new monolithic side walk and associated landscaping along South Milpitas Blvd. The applicant is also proposing a pedestrian portal connection from S Milpitas Blvd through the project site connecting with a proposed trail along Wrigley creek to the west.

4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **NI**
Proposed lighting includes bollard lighting for the pedestrian trail connection, residential street lighting, and motion lights for the homes. Lighting for a residential use at this location will not create a new substantial amount of light or glare and should not adversely affect day or nighttime views beyond the existing site lighting conditions.

II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	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?	☐	☐	☐	☒	1,2,4
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?	☐	☐	☐	☒	
4) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

Environmental Setting:

The proposed project site is not currently used for agricultural purposes and is not designated as farmland.

Conclusion:

The proposed project would not result in impacts to agricultural resources. NI

III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
	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?	☐	☐	☐	☒	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	1,10
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?	☐	☐	☐	☒	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1

Environmental 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 (NOx) 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.

Comment:
A GreenHouse Gas / Air Quality Technical Report for the project site was conducted by Donald Ballanti, a Certified Consulting Meteorologist.

Ambient Air Quality
BAAQMD monitors air quality at several locations within the San Francisco bay Air Basin. The closest multi-pollutant monitoring site to the project sites is located in downtown San Jose on Jackson Street. The U.S. Environmental Protection Agency has classified the San Francisco Bay Area as a non-attainment area for the federal standard and $PM_{2.5}$ standards. The Bay Area was designated as unclassifiable/attainment for the federal PM10 standard Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and particulate matter. The county is either attainment or unclassified for other pollutants.

Conclusion:

1) Conflict with or obstruct implementation of the applicable air quality plan? **NI**
The San Francisco Bay Area Air Basin is currently non-attainment for ozone particulate matter. While an air quality plan exists for ozone, none currently exists for air quality plan. The project would not result in a substantial unplanned increase in population, employment, regional growth in vehicle miles traveled, or emissions so it could not conflict with or obstruct implementation of the air quality plan.

2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **LS**
Development projects in the Bay Area are most likely to violate an air quality standard or contribute substantially to an existing or projected air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon Monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

Based on existing surface road volumes in the project vicinity, the project would not increase traffic volumes at affected interactions to more then 24,000 vehicles per hour and would not affect any intersections where vertical and/or horizontal mixing is substantially limited. The report prepared by Donald Ballanti based this information on the California Environmental Health Tracking Program, and Traffic Volume Linkage Tools. Based on the BAAQMD criteria, the proposed project would have a less-then significant impact on carbon monoxide concentrations.

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? **LS**

The CalEEMod model was used in the report prepared by Donald Ballanti. The model quantifies contraction and operational emissions. The average daily construction and operational emissions are below the BAAQMD thresholds of significance. This would be a less-then-significant impact.

4) Expose sensitive receptors to substantial pollutant concentrations? **LS**

Construction Dust
Activates associated with site preparation, and construction would generate short-term emissions of dust. Per the report, the effects of construction activities would be increased dust-fall and locally elevated levels of PM_{10} and $PM_{2.5}$ downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties.

The BAAQMD threshold of significance for construction dust impacts is whether the Best Management practices are to be utilized. Per the conditions of approval, the applicant will follow the Best management Practices in the construction phase. therefore the threshold of significance for construction impacts, according to BAAQMD, for this project would be less-then-significant.

Toxic Air Contaminant (TAC) Exposure of Project Residents
The project would include residences that are sensitive receptors that would be exposed to mobile and stationary sources of TACs affecting the site.

The California Air Resources Board's *Air Quality and Land Use Handbook* was developed in response to studies that have demonstrated a link between exposure to poor air quality and respiratory illnesses, both cancer and non-cancer related. The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for "sensitive" land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include highways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and gasoline service stations.

A review of land uses near the project showed that there are no refineries, distribution centers, chrome plating facilities or dry cleaners in proximity to the project site. There is a highway, rail yard, gasoline fueling facilities and two stationary emergency backup diesel generators near the project site. Per the report prepared by Donald Ballanti, exposures to these sources are evaluated to be below the CARB recommended thresholds of significance.

Freeways/Highways
According to the report prepared by Donald Ballanti, CARB's advisory recommendation with respect to proximity to highways is to avoid placing new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. The project site is at least 4,500 feet from I-680 and 3,500 feet from I-880. Volumes on SR 237 near the site are 66,000 vehicles per day, so it would not constitute an "urban road with 100,000 vehicles/day".

Gasoline Filling Stations
The report prepared by Donald Ballanti states that small amounts of gasoline vapor (a reactive organic gas) escape to the atmosphere at filling stations due to loading losses, breathing losses, refueling losses and spillage. The BAAQMD has stringent requirements for the control of gasoline vapor emissions from gasoline dispensing facilities that require all facilities to install and maintain CARB Certified Vapor Recovery Systems.

The CARB Handbook recommendations are to avoid placing new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

The latest BAAQMD inventory of permitted sources of Toxic Air Contaminants includes two gasoline fueling facilities located on the opposite site of the rail corridor located west of the project site on Bothelo Avenue. These sources are well beyond the CARB recommended minimum setbacks for sensitive receptors.

Rail Yards

Rail yards are a major source of diesel particulate air pollution. The CARB Handbook recommendations are to avoid placing new sensitive land uses:

- Within 1,000 feet of a major service and maintenance rail yard.
- Within one mile of major service and maintenance rail yard, consider possible placement limitations and mitigation approaches.

These recommendations were based on a rail yard risk analysis conducted for the Union Pacific rail yard in Roseville, California. The Roseville rail yard is one of the largest service and maintenance rail yards in the West with over 30,000 locomotives visiting annually.

Per the report prepared by Donald Ballanti, the Milpitas rail yard is not classified as a "major service and maintenance yard", and the CARB recommended setbacks would not apply to the proposed project. The Milpitas yard has a lower level of rail activity compared with Roseville and the site is located a minimum of 275 feet from the nearest non-spur rail line in the yard.

Other Facility Types that Emit Air Pollutants of Concern

In addition to source specific recommendations, *Air Quality and Land Use Handbook* includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals. The list includes stationary diesel engines that are a source of diesel particulate matter (DPM). The *Air Quality and Land Use Handbook* does not contain specific recommendations for setbacks between such sources and sensitive receptors but recommends that impacts be evaluated based on a number of factors including the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place.

The neighborhood of the proposed project includes two existing stationary emergency diesel generators. One is located at Nanogram Technology located about 70 meters south of the site, the other is located at the Milpitas City Hall about 190 meters north and east of the project site. Emissions of diesel exhaust from these two sources were evaluated for health risk. The Greenhouse Gas/ Air Quality Technical Report assesses the significance of longer-term project exposure to diesel emissions. Emissions were taken from the BAAQMD toxic emissions inventory and by using the SCREEN-3 output, a worst-case annual average concentration of diesel particulate matter (DPM) was estimated. The SCREEN-3 estimated annual average concentrations were used to calculate the excess cancer risk associated with exposure to diesel exhaust at the nearest residence. The calculated excess cancer risk using the very conservative SCREEN-3 model results was 0.189 in one million for the City Hall generator and 1.08 in one million for the Nanogram Technology generator. Separately and combined, these

risk values are below the BAAQMD threshold of significance of 10 in one million contained in the 1999 CEQA Guidelines.

Conclusion

The project meets all CARB recommendations for minimum setbacks from freeways/highways, exposure to gasoline emissions and rail yard emissions. A health risk assessment found that exposure to emissions from permitted toxic air contaminant sources would be below the recommended threshold of significance. Project impacts due to exposure of sensitive receptors to toxic air contaminants would be a less-then-significant impact.

5) Create objectionable odors affecting a substantial number of people? **NI**

The proposed project does not include uses that have been identified by BAAQMD as potential sources of objectionable odors. Sources of odors include restaurants, manufacturing plants, and agricultural operations and industrial operations such as wastewater treatment plants and solid waste transfer stations or landfills.

As a new sensitive receptor for odors, the project is distant from the types of land uses that identified by the BAAQMD as having potential to create objectionable odors. Therefore the proposed project would have a no impact because it would not frequently create substantial objectionable odors affecting a substantial number of people.

IV. 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?	☐	☐	☐	☒	1,4
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?	☐	☐	☐	☒	1,4
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?	☐	☐	☐	☒	1,4
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?	☐	☐	☐	☒	1,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1, 4, 8
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?	☐	☐	☐	☒	1,4

Environmental Setting:

The Planning Area and the surrounding region offer a variety of wildlife habitats, such as marshlands, riparian areas, grasslands, and woodlands. While much of the City is built-out,

species supported by habitats such as Coyote Creek, salt marsh and mud flats to the west and the rolling hills of Ed Levin Park and beyond to the east include the California coastal deer, gophers and water snakes, as well as rattlers, songbirds such as the mocking bird and the red-winged blackbird, upland game birds, pheasant, quails and doves, squirrels, and bobcats. Fish species found include bass, catfish, trout and other non-game species which may be found in the Calaveras Reservoir (east of the Planning Area), Sandy Wool Lake, periodically in Coyote Creek, and impounded waters within the foothills.

Certain species are recognized as needing special protection under state and federal law due to their rare, endangered, or threatened status. These species are afforded varying degrees of protection through the applicable laws and regulations of the Federal Endangered Species Act, the California Native Plant Protection Act, the California Endangered Species Act, and the California Environmental Quality Act.

The California Natural Diversity Data Base (CNDDB), run by the California Department of Fish and game (CDFG), is the most complete single-source inventory of officially (state and federal) listed rare, endangered and threatened animals and plants, plus those considered by the scientific community to be deserving of such listing. An October 2010 search through the CNDDB for the Milpitas and Calaveras Reservoir Quadrangles identified eight (8) species with special status. It should be noted the Milpitas and Calaveras Reservoir Quadrangles contain areas that are outside of the Milpitas planning area. The CNDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality and/or very limited distribution; no such communities were found in Milpitas.

The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California for the Milpitas and Calaveras Reservoir quads were also consulted. But again the reservoirs are outside the planning area.

Comment:
The properties do not contain protective Native Plants.

Conclusion:
As mentioned in the Environmental Setting, Per the California Natural Diversity Data Base, any identified rare, endangered and threatened animals and plants were found outside of the Milpitas Planning Area. Therefore the proposed project will have no-impact on Biological Resources.

V. 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?	☐	☐	☐	☒	1,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	1,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☒	☐	☐	1,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	1,4

Environmental Setting:

Prehistoric Period

The lands now occupied by the City of Milpitas were once a part of the home territory of the Tamyen triblelet of Costanoan (ohlone) Indians. Like other Costanoan groups, the Tamyen maintained a few year-round village sites but also visited various temporary camps at different seasons of the year to hunt and gather food as it became available.

The presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory increased traffic through the early Milpitas area. The cinnabar (used as a 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

Two notable Costanoan village sites lie within the city limits of Milpitas. One, a huge shellmound 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.

Historic Period

Aboriginal Milpitas must have been cris-crossed with a network of paths from village to village and from village to camp. For centuries, these aboriginal footpaths and deer trails were the only roadways of Milpitas. The year 1769 marked the most dramatic event since human beings first migrated into the Bay Area; in that year, the expedition of Gaspar de Portola inaugurated the historic era, bringing in its wake a host of changes. The expedition passed through Milpitas.

The Spanish presence in the South Bay region was rapidly modified over the next few decades. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas.

Milpitas was already achieving distinction as a stopover point by the late 1840's when Higuera Adobe welcomed travelers on the immigrant trail between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection – where the Alviso road crossed the Mission Road, encouraged the development of Milpitas. By the late 1850's a stage line was operating between San Jose and Oakland, with stops at Milpitas, as general stores, stables, saloons, hotels, blacksmiths, carriage shops, and a post office catered to the needs of farming families.

Comment:
Cultural resources and historic districts are designated by the City Council on the recomendation of the Parks, Recreation and Cultural Resources Commission. Currently there are fifteen sites officially designated and locally registered as a Milpitas Cultural Resources. Of the fifteen sites, the Alviso Adobe and Milpitas Grammar School are included in the National Register of Historic Places. The proposed project sites are not listed as a Historical and/or Cultural Resource.

The primary impact that could occur would be disturbance of cultural resources during grading and/or development of property. Existing national, state and local laws as well as policies contained in the General Plan would reduce these potential impacts on historic and archaeological resources to less than significant levels.

Conclusion:
<u>Buried Prehistoric and Historic Resources</u>
The proposed project does include disturbance of 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 1: 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-bury 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. **<u>LS/M</u>**

VI. 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.)	☐	☐	☒	☐	1,11, 12, 13
b) Strong seismic ground shaking?	☐	☐	☒	☐	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 11, 12, 13
d) Landslides?	☐	☐	☐	☒	1
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1, 11, 12, 13
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?	☐	☐	☐	☒	1, 11, 12, 13
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?	☐	☐	☐	☒	1, 11, 12, 13
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?	☐	☐	☐	☒	1, 11, 12, 13

Environmental Setting:

The project site is located within the Milpitas Valley Floor. The relatively flat, urbanized Valley Floor is underlain by alluvial soil, and clay. The thickness of the alluvial soil increases westward from zero at the base of the hills to 1,000 feet or more at the western edge of the City. The alluvial soil in Milpitas was deposited in and adjacent to stream channels, in low-lying basins between streams, and on the floor of the Bay when the shoreline was set of the present position. The composition and consistency of alluvial soils varies laterally and vertically over small distances and depths.

Most of the alluvial soil in Milpitas is expansive and susceptible to liquefaction, and alluvial areas along creeks may be susceptible to lateral spreading. Local areas have compressible soils, poorly drained soils, shallow ground water, or are susceptible to lateral spreading. Because soil composition varies vertically as well as laterally, several soil types may underlie a particular site.

Comment:
Per the General Plan Seismic and Geological Hazards Section under Geology and Soils, the project sites are located in the Valley Floor zone outside of mapped compressible soils, expansive soils, liquefiable soils, or unstable soils on slopes. Per the Seismic and Geotechnical evaluations within the General Plan, the project sites are located within a Liquefaction-Prone zone, but not located within a fault rupture zone or landslide hazard zone.

Although the project area is located outside of the Alquist-Priolo Fault zone, the site is 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 Zones to avoid or minimize potential damage from seismic shaking and liquefaction on the site.

Any 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, re-compaction 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.
LS

VII. GREENHOUSE GAS EMISSIONS					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	2, 3
2) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	2, 3

Environmental Comment:
A GreenHouse Gas / Air Quality Technical Report for the project sites was conducted by Donald Ballanti, a Certified Consulting Meteorologist. Per the report, gases that trap heat in the atmosphere are referred to as greenhouse gasses because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of greenhouse gasses has been implicated as a driving force for global climate change. Definitions of climate change vary, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere. The most common greenhouse gas that results from human activity is carbon dioxide, followed by methane and nitrous oxide. The last three of the six identified greenhouse gasses are primarily emitted by industrial facilities. The study was based on the primary greenhouse gasses which are: Carbon Dioxide, primarily generated by fossil fuel, Methane, emitted from biogenic sources landfills, and leaks in natural gas pipelines, and Nitrous Oxide, produced by both natural and human-related sources like agricultural uses.

Conclusion:
The CalEEmod program estimated construction and [1]operational emissions of greenhouse gases for the proposed project. Project construction emissions were calculated as 1,761.08 $MTCO_2E$, to be emitted over the construction period. Construction emissions are generally considered separately from operational emissions because construction emissions are a one-time event, while operational emissions would be continuous over the life of the project. BAAQMD has no adopted thresholds for construction emissions but recommends quantification and disclosure of these emissions.

The BAAQMD significance threshold for operational GHG emissions is that a development project, other than a stationary source, would have significant cumulative impact unless:

- The project can be shown to be in compliance with a qualified Climate Action Plan; or
- Project emissions of CO_2 equivalent GHGs (CO_2e) are less than 1,100 metric tons per year; or
- Project emissions of CO_2 equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees).

Project GHG emissions are below the 1,100 metric tons per year, so project GHG impacts would be less-than-significant. **LS**

[1]Operational Emissions: Building Energy, Mobile Vehicles, solid waste disposal, water use, and area use.

VIII. 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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	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?	☐	☒	☐	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1

VIII. 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: 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?	☐	☐	☐	☒	1

Environmental Setting:
The subject properties were agricultural land until the late 1970s. A building was constructed in 1987 on the property known as 375 Los Coches or Lot 2 (APN: 086-39-002). The adjacent Lot 1 or 345 Los Choches Street (APN: 086-39-001) has not been developed. A search of regulatory agencies shows that there are no reports for files for contaminant or hazardous materials or underground storage tanks for the property.

Since the project is located near industrial uses, a Risk Assessment Report was prepared by ENVIRON International Corporation, as part of the application submittal. The risk assessment identifies facilities within the sphere of influence to the project site and evaluates the potential health and safety risks to individuals from exposure to hazardous materials which may occur at the proposed site.

The United States Environmental Protection Agency (USEPA) Risk Management Program Guidance for Offsite Consequence Analysis methodology was used to evaluate potential impacts at the Site. To assess the potential effects of chemicals, the National Institute of Occupational Health and Safety (NIOSH) has established an evaluation criteria known as the "Immediately Dangerous to Life and Health" (IDLH) level. The IDLH is considered a maximum concentration above which only a highly reliable breathing apparatus providing maximum worker protection was permitted. In determining IDLH values, the ability of a worker to escape without loss of life or irreversible health effects was considered along with severe eye or respiratory irritation. As a safety margin, IDLH values were based on the effects that might occur as a consequence of a 30-minute exposure of a healthy adult. It can be assumed that the health risks are increased when applied to children and the elderly.

Comment:
Lot 1 is an undeveloped site. The property known as Lot 2, was initially developed as a commercial office building and had permits and notes in files stated that hazardous materials were not used in the building. The Santa Clara County Environmental Health Department maintains records of tanks and hazardous materials. There were no records of underground fuel storage tanks or reported problems for the subject property. A Phase I was prepared by DRG Builders Inc. for both sites. Based on the findings of the Phase I, DRG Builders did not identify any significant environmental impacts associated with the property known as Lots 1 and Lots 2 (APN: 86-39-001, 002) S Milpitas Boulevard. BSA did not recommend further environmental testing be done. BSA does recommend the following:

- Limited testing of ACBM was performed in 1999 a the 375 Los Coches (Lot 2) site and asbestos was not detected. If further building renovation or demolition is planned a qualified contractor should test for ACBM if suspect materials are encountered and properly managed and dispose of the ACBM if needed.

Based on the report, no constraints for future residential development were identified.

The Risk Assessment identifies four facilities within a quarter mile of the project site that store and use toxic gases and that upon an accidental release could impact the project site. The four facilities are: Headway Technologies, 497 S Hillview Drive, Linear Technology Corporation, 275 South Hillview Drive, Nanogram Corporation, 165 Topaz Street, and Magic technologies, 463 South Milpitas Boulevard.

Facilities with Toxic Gas			
Linear Technology 275 S. Hillview Drive	Magic Technologies 463 S Milpitas	Nanogram 165 Topaz	Headway Technologies 497 S Hillview Drive
Chemical Gas Used by Businesses			
Ammonia, anhydrous	Ammonia	Ammonia, anhydrous	Ammonia, anhydrous
Boron Trifluoride	Boron Trichloride	Diborane	Boron Trichloride
Chlorine	Carbon Monoxide	Phosphine	Chlorine
Diborane	Chlorine-250	Sulfur Hexafluoride	Sodium Hydroxide
Hydrogen Bromide	Hydrogen Bromide		Sulfuric Acid
Hydrogen Chloride			
Phosphine			
Tungsten Hexafluoride			
Arsine			
Dichlorosilane			
Nitrogen Trifluoride			
Sodium Hydroxide			
Sulfuric Acid			
Sulfur Hexafluoride			
Tungsten Hexafluoride			

The Project is in the 1/10 IDLH concentration zone of impacts for the above listed four facilities. The Project is also in the TEP concentration zone of impact for the same four industrial businesses.

System Services of America, Inc., located at 1029 Montague Expressway uses anhydrous ammonia. The distance to the IDLJ, TEP and 1/10 IDLH concentrations are 0.4, and 1.1 miles from System Services of America. The project sites are located 1.2 miles to the noth-northwest

of the business, and as such is outside the IDLK, TEP and 1/10 IDLH zones of impact for anhydrous ammonia.

Under the worst-case scenario for the actual amount of anhydrous ammonia stored in the single largest vessel, the project is not located within the hypothetical distance to the 1/10 IDLH concentrations of anhydrous ammonia.

Conclusion:
Based on the findings of the Phase I, DRG Builders (developer) did not identify any significant environmental impacts associated with the property known as Lots 1 and Lots 2 (APN: 86-39-001, 002) S Milpitas Boulevard. Based on the report, no constraints for future residential development were identified. BSA does recommend the following Mitigation Measure:

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

HAZMAT-1.1: If further building renovation or demolition is planned a qualified contractor should test for ACBM if suspect materials are encountered and properly managed and dispose of the ACBM if needed.

Based on the Risk Assessment provided by ENVIRON dated November 13, 2012, only one of the industrial facilities uses chemicals in amounts larger than the CalARP Threshold Quantity. Facilities using regulated substances in a process in excess of the CalARP Threshold Quantity are subject to CalARP Program requirements, which vary depending on the location, size, and type of the facility. System services of America, Inc., is assumed to be compliant with CalARP requirements. The subject property, however is located far enough away from System Services of America, INC. to not be within its CALARP TEP zone of impact for anhydrous ammonia.

Although the project is not within the CalARP TEP zone of impact, as a result of being within the 1/10 IDLJ zones of impact of anhydrous ammonia, chlorine, diborane, hydrogen bromide, and phosphine, ENVIRON is recommending the following mitigation measures.

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

HAZMAT-1.2: The Project will provide an Emergency Action Plan (EAP) with evacuation and shelter-in-place procedures to the Milpitas Fire Department.

HAZMAT-1.3: The project howmowners association should review this RAP and the EAP, update the RAP and EAP as required and submit the RAP and EAP to the Milpitas Fire Department on an annual basis.

IX. 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?	☐	☒	☐	☐	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)?	☐	☐	☐	☒	1,2
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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	1,2
6) Otherwise substantially degrade water quality?	☐	☒	☐	☐	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?	☐	☐	☐	☒	1,2, 14

IX. 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:					
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	1, 2, 14
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?	☐	☐	☐	☒	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

Comment:

Drainage and Flooding

All new development would conform to the City flood hazard management ordinance and therefore, the 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/or vegetated bio-swales would be installed on site as part of the project, and designed 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 proposed development 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 no 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 the development site would temporarily generate dust, sediment, litter, oil, paint, and other pollutants that could contaminate runoff from the site.

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 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 waddles 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, and with implementation of the mitigation measures included in the project, possible impacts to water quality would be reduced to a less than significant level. **LS/M**

X. 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?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1, 2, 4

Environmental Setting:
The City Council rezoned the project site and neighboring properties from Industrial Park to Town Center in September of 2012. Town Center zoning allows for a variety of uses such as, commercial, business offices, professional and medical offices, community centers and residential. To the north of the project site is Wells Fargo Bank and Union Bank, to the east is a business office, a church and two cultural centers. To the west of the project site another residential development for 80 single family units is under consideration. The cumulative impacts are discussed in this document. And to the south of the project site is a business park zoned Heavy Industrial. The proposed project includes the construction of 33 new single family residential homes located on the northwest corner of the intersection of South Milpitas Blvd and Los Coches Street. All access to the site will be from a main entrance onto Los Coches Street with secondary access onto Topaz Street (which is an extension of Los Coches Street.)

The project includes new monolithic sidewalks with associated landscaping and a landscaped pedestrian/bicycle portal to connect to the Wrigley Creek Trail. There is a proposed connection from the proposed Wrigley creek trail to the subject project. In addition, the subject project proposes pedestrian and bike access under Calaveras Boulevard to the existing Terra Serena Senior housing and Beresford Commercial Shopping Center located just north of Calaveras Blvd.

Conclusion:
The project proposal will establish a new residential neighborhood that includes both pedestrian and vehicle connections to nearby commercial areas. The proposed residential land use and density is conditionally permitted within the Town Center Zoning district, and is consistent with the General Plan. The project will not conflict with applicable habitat conservation proposed plan or natural community conservation plan. The proposed project will have no impact**. NI**

XI. 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?	☐	☐	☐	☒	1, 4
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?	☐	☐	☐	☒	1, 4

Environmental Setting:
Per the General Plan Section 4.5 for Mineral Resources, there are four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas are located in the foothills outside the City Limits.

Comment:
The project site is located on the valley floor of Milpitas, far from the four identified sites, therefore the proposed project will have no impact on mineral resources.

XII. NOISE					
	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?	☐	☒	☐	☐	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1, 6
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?	☐	☐	☐	☒	1, 6
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?	☐	☐	☐	☒	1, 6

Environmental Setting:
The of City of Milpitas General Plan Noise Element sets forth implementing policies to guide the development of residential and commercial land uses. For single-family residential land use, up to 60 dBA Ldn is considered normally acceptable, up to 70 dBA Ldn is considered conditionally acceptable, and above 70 dBA Ldn is considered normally unacceptable.

The project site is located southwest of the intersection of Calaveras Boulevard and Milpitas Boulevard. Currently under review is the proposal for 80 single family homes located just to the west of the project site, a light industrial/manufacturing facility south of the site, office/commercial uses north of the site, and is bound to the east by Calaveras Boulevard. Issues related to noise associated with this project include the compatibility of the proposed

residential land uses with the noise environment at the site resulting from vehicular traffic on nearby roadways and noise generated by the commercial and light industrial uses in the vicinity.

Per the Environmental Noise Assessment prepared by Fred M. Svinth, INCE, Assox. AIA, The average daytime noise levels at the project site ranged from 55 to 57 dBA L_{eq} and the average hourly nighttime noise levels ranged from 52 to 58 dBA L_{eq}. The Day/Night Average Noise Level (L_{dn}) at the project site is 62 dBA. Due to the somewhat subdued diurnal pattern, where nighttime levels did not drop to far below daytime levels, the area noise environment appears to be influenced by mechanical equipment noise from the adjacent commercial and industrial uses. See the attached Noise Assessment for further measurement details.

Under future conditions, the exterior noise environment across the project site would continue to result primarily from traffic along South Milpitas Blvd. Based on the Noise Assessment prepared by Fred M. Svinth, INCE, Assoic AIA., residential lots on the northern edge of the site are expected to be exposed to future L_{dn} levels of between 71 and 72 dBA. Homes further removed from S. Milpitas Blvd. would be exposed to lower noise levels, however, all homes on the perimeter of the site with views of the roadway are expected to be exposed to future L_{dn} levels above 60 dBA. However, noise levels at the interior lots and the interior common area of the site would be reduced by the barrier effect provided by intervening structures such that these areas are expected to be exposed to future L_{dn} noise levels below 60dBA.

Comment:
The noise environment at lots adjacent to S. Milpitas Blvd. would be exposed to noise levels considered “normally unacceptable” and perimeter lots would be exposed to noise levels considered “normally unacceptable” for residential development by the City’s General Plan noise land use compatibility standards. Noise levels at the interior lots and the interior common area of the site would be “normally acceptable” by these standards. Per the Noise Assessment, a result of this finding is that the common exterior use are of the project site would beet City noise standards, and thus would not require noise mitigation. However, noise levels within the interiors of the homes on the site may exceed the City’s interior noise standards.

Typical wood frame construction techniques with standard thermal insulating glass in closed windows will reduce traffic noise levels by between 20 to 25 dBA. When windows open, the traffic noise attenuation from exterior to interior is reduced to between 12 to 15 dBA. Based on this average exterior to inter noise attenuation, interior L_{dn} levels residences in adjacent to S. Milpitas Blvd and on the site perimeter may exceed the City’s 45 dBA L_{dn} interior noise standard with closed standard thermal insulating windows. Interior noise levels in all other homes on the site are expected to be below the City’s 45 dBA interior noise standard when standard windows are closed for the purpose of noise control. However noise levels within all residences may exceed an L_{dn} of 45 dBA with open windows. This is a potentially significant impact, which can be mitigated with the incorporation of Mitigation Measures. See Measures below.

Mitigation Measure

NOS-1.1: **Sound Rated Windows:** Homes on lots adjacent to S. Milpitas Blvd. and on the site perimeter, as identified within the Noise Assessment, will require sound rated windows to meet average (45 dBA L_{dn}) interior noise standards. The needed Sound Transmission Class (STC) ratings of windows of these homes are expected to range from 31 to 33 on the lots adjacent to S. Milpitas Blvd., and from 29 to 31 on the identified perimeter lots as shown in the Noise Assessment. When building plan and elevations are available for these lots, an acoustical

consultant shall be detained to determine the needed window STC ratings necessary to achieve the 45 dBA L_{dn} interior noise limits.

NOS-1.2 **Mechanical Ventilation:** All residences on lots at the site perimeter will require mechanical ventilation to allow the windows to remain closed at the residents' option as the interior noise standards would not be met with open windows. Typically such a system must meet the following airflow provisions:

> *"If interior noise levels are met by requiring that windows remain unopenable or closed, the design of the design for the structure must also specify a ventilation system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit or guest room noise reduction."*

In our experience a standard central air conditioning system or a central heating system equipped with a 'summer switch' which allows the fan to circulate air without furnace operation in each residence requiring mechanical ventilation will provide a habitable interior environment and meet the airflow provisions referenced above.

XIII. 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)?	☐	☐	☒	☐	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

Comment:
The project proposal includes the demolition of one Industrial building with associated parking lot and the construction of 33 new single family residential units on approximately 2.7 acres. The project is consistent with the General Plan and Zoning Ordinance.

Conclusion:
The proposed project would not result in significant population or housing impacts. **LS**

XIV. PUBLIC SERVICES					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project: 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:					
Fire Protection?	☐	☐	☐	☒	1
Police Protection?	☐	☐	☐	☒	1
Schools?	☐	☐	☐	☒	1
Parks?	☐	☐	☐	☒	1
Other Public Facilities?	☐	☐	☐	☒	1

Environmental 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.

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. 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 incidents that occur in the Planning Area are 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. The closest park within a walkable distance from the project site is Gill Park. Gill Park is an 8.16 acre park that includes a basketball court, three tennis courts, a softball field, and covered picnic area.

Enrollment and Capacity

Staff received a Classroom Capacity Analysis update on March 28, 2012 from Kinzie & Associates. On the following page is a chart summarizing the MUSD classroom Capacity for 2011/2012 and projected new students for 2014, 2017, and 2021.

Summary of Classroom Capacity

	Class-rooms	Capacity	2011/12 Enrollment	Available Capacity	EPC New Students by Oct 2014	EPC New Students by Oct 2017	EPC New Students by Oct 2021
Burnett	30	654	636	18	14		
Curtner	30	667	678	(11)	5		
Pomeroy	29	645	724	(79)	(5)		
Randall	23	492	465	27	22		
Rose	28	630	443	187	19		
Sinnott	32	689	714	(25)	18		
Spangler	33	711	530	181	28		
Weller	26	556	451	105	9		
Zanker	29	645	679	(34)	50		
Total Elementary	**260**	**5,689**	**5,320**	**369**	****155**	**140**	**256**
Rancho MS	34	876	728	148	69		
Russell MS	32	753	742	11	54		
Total Middle	**66**	**1,629**	**1,470**	**159**	*****114**	**3**	**9**
Milpitas HS	126	3,330	3,009	*150			
Calaveras Hills	12	189	168	21			
Airpoint Site	2	54	0	54			
Total HS	**140**	**3,573**	**3,177**	**225**	**140**	**250**	**11**
Ayers Adult Ed	16	432	0	0			
Totals	**482**	**11,323**	**9,967**	**753**	**409**	**393**	**276**

Assumes Class Size Reduction K-3 @ 20 Pupils/Classroom
* Adjusted for Academies educational program requirements
** Less 5 ES per EPC study. EPC study does not break projections down per school beyond 2014.
*** Less 9 MS per EPC study. EPC study does not break projections down per school beyond 2014.

Comment:

Schools

The number of new students generated the proposed project may or may not exceed the maximum amount of students allowed for the school. The school district collects impact fees to address capacity within their jurisdiction.

Fire Protection

With the proposed development for 33 new single family residences, it is not expected that the Fire Department would have to expand. The project plans have been reviewed by fire and meets all fire prevention codes including the required street width for fire truck clearance in order to serve the residence in case of a fire.

Police Services

With the minor increase of 33 dwelling units, the long-term demand for police assistance and new staff and equipment should not be required.

Parks

The combination of Parks/Plazas and Linear Parks meets the expected park requirements for the proposed residential development. For more detail on parks see the Recreation section of this report.

Conclusion
The project would not result in significant impacts to public facilities. **LS**

XV. 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?	☐	☐	☐	☒	1, 4, 8
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?	☐	☐	☐	☒	1, 4, 8

Environmental Setting:
The project includes a 6,168 square foot common area with tot lot, a new monolithic sidewalks with associated landscaping, and a landscaped pedestrian/bicycle portal to connect to the Wrigley Creek Trail. The trail connects the subject site to the proposed Wrigley creek trail and, in addition, to a proposed pedestrian and bike access under Calaveras Boulevard to the existing Terra Serena Senior housing and Beresford Commercial Shopping Center located just north of Calaveras Blvd.

Comment:
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?
It is not expected that the addition of 33 residences will increase the use of existing parks that a physical deterioration of facilities would occur.

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?
Per the Milpitas Municipal Code, the project is required to have 0.26 acres of private recreational open space and 0.40 acres of public open space with an option of paying park-in-lieu fee. The park-in-lieu fee allows developers to pay a fee in lieu of building a public park. This option is allowed for projects where it is infeasible to construct the required public park. The fee goes into a joint parks fund where the City utilized the funds to create new parks or update existing facilities. The proposed project meets the private open space requirements and will be paying a park-in-lieu fee for the difference in park acres that they do not meet.

Conclusion:
The proposed residential development will have a less then significant impact on existing facilities. **LS**

XVI. TRANSPORTATION/TRAFFIC					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
Would the project:					
1) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 3
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?	☐	☐	☐	☒	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)?	☐	☐	☐	☒	1
5) Result in inadequate emergency access?	☐	☐	☐	☒	1
6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	1

Environmental Setting:

The proposed project would include 33 single family dwellings and would be located on the northwest corner of the intersection of South Milpitas Blvd with Los Coches Street. All access to the site will be from a main entrance onto Los Coches Street with a secondary access onto Topaz Street (which is an extension of Los Coches Street). The proposed project includes a two car garage for each unit along with two uncovered spaces on the driveway to each unit. All traffic from the project will enter onto Los Coches Street.

Based on the project's trip generation and the potential for traffic impacts, a Traffic Study was prepared by Abrams Associates, which includes a study on six (6) intersections near the proposed project site that may be affected. The intersections that were studied include:

1. Calaveras Boulevard / Abel Street
2. Calaveras boulevard / Milpitas boulevard
3. Calaveras Boulevard / Town Center Drive
4. Calaveras Boulevard / Hillview Drive
5. Milpitas Boulevard / Los Coches Street
6. Milpitas Boulevard / Turquoise Street

The intersections were evaluated on existing conditions, baseline conditions for the year 2014, and baseline conditions including the proposed project.

Existing operational conditions at the six (6) intersections have been evaluated using Synchro Software to implement the 2000 *Highway Capacity Manual* (*HCM*) Level of Service (LOS) methodology. Level of service is an expression, in the form of a scale, of the relationship between the capacity of an intersection (or roadway segment) to accommodate the volume of traffic moving through it at any given time. The level of service scale describes traffic flow with six ratings ranging from A to F, with "A" indicating relatively free flow of traffic and "F" indicating stop-and-go traffic characterized by traffic jams.

As the amount of traffic moving through a given intersection or roadway segment increases, the traffic flow conditions that motorists experience rapidly deteriorate as the capacity of the intersection or roadway segment is reached. Under such conditions, there is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays that lead to traffic congestion. This near capacity situation is labeled level of service (LOS) E. Beyond LOS E, the intersection or roadway segment capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it.

<u>Planned Roadway Improvements</u>
The VTA and the City of Milpitas are participating in ongoing planning for long term improvements to Calaveras Boulevard which would likely involve the construction of additional through lanes in each direction. Beyond this project there are no significant planned roadway improvements at any of the project study intersections and no planned roadway network changes that would significantly change travel patterns in the area.

<u>Pedestrian and Bicycle Facilities</u>
Pedestrian and bicycle activity is relatively light in the immediate vicinity of the project site. Sidewalks are provided in most areas and it should be noted that the sidewalks would be completed along the frontage of the site as part of the proposed project. Bicycle lanes are provided on Milpitas Boulevard in the vicinity of the project site. Based on the report prepared by Abrams Associates Traffic Engineering, Inc., the proposed project would not significantly impact any bicycle or pedestrian facilities, including bike lanes, routes or paths.

<u>Transit Service</u>
The Santa Clara Valley Transportation Authority (VTA) operates bus and light rail service in Santa Clara County. The Montague light rail station is located on the southeast side of the study area and is elevated above Capitol Avenue. VTA bus routes 46, 47, 66, 70, 71, 77, 104, 180, and 321, as well as AC Transit route 217, provide bus service within the project study area. The

Altamont Commuter Express (ACE) Violet Shuttle (Route 831) also provides service within the project study area.

Bay Area Rapid Transit (BART)
Bay Area Rapid Transit (BART) – BART is a rapid transit system which provides regional transportation connections to much of the Bay Area. It runs from the North Bay Area in Richmond to the South Bay Area in Fremont. In the east-west direction it runs from Pittsburg to the San Francisco Airport and Milbrae with several connections in Oakland. VTA bus service provides a connection to the Fremont BART station which provides regional access to San Francisco with several stops in Oakland where connections may be made to other lines.

The Traffic Impact Study (see attachments) includes the impacts of previously approved projects within the area. Approved, not yet built, projects include 732 approved apartment units at 1200 Piper Drive (Citation), 303 approved apartment units at Milpitas Boulevard and the Montague Expressway (Milpitas Station), 80 approved single family dwellings on Sinclair Road (Sinclair Renaissance), 83 approved single family dwellings at 905-980 Los Coches Street (Robson Single Family), 375 approved apartment units and 148,805 square feet of approved commercial space at 600 Barber Lane (Landmark Tower), 366 approved apartment units at 1102 Abel Street (Centria West), and 204 approved apartment units at 1201 South Main Street (SD11-0011). To account for the baseline growth for the analysis (and a general background traffic increase to 2014) a 6 percent increase was applied to the existing traffic volumes. There is a proposed 80 unit residential project (Los Coches Residnetial) currently in the review process located on the west side of the project site. The Traffic Impact Study for Los Coches Residential, also by Abrams Associates, summarized that the Los Coches Residential project, this proposed Lots 1 and Lots 2 Residential project for 33 residential homes, and the seven (7) projects listed above will not decrease the level of service past LOS E.

Comment:
The trips from the project reflect all vehicle trips that would be counted at the project driveway on Los Coches Drive, both inbound and outbound. Since this project would be all residential there were no adjustments applied to account for pass-by or internal trips. The project is forecast to generate a total of 33 new vehicle trips during the AM peak hour and about 39 new trips during the PM peak hour. The site traffic is all assumed to use the main project entrance driveway on Los Coches Drive.

Signalized Intersections - Project-related operational impacts on signalized intersections are considered significant if project-related traffic causes the Level of Service (LOS) rating to deteriorate from LOS D or better to LOS E or F on any City of Milpitas Roadways. The only exception are Congestion Management Plan (CMP) roadways such as Calaveras Boulevard where LOS E is permissible.

All of the studied intersections would continue to have similar LOS results as the existing conditions, which are LOS E or better, and an acceptable condition during the AM and PM peak hours based on applicable standards.

Conclusion:
Based on the analysis within the Traffic Impact Study, the proposed project would not cause any intersections or roadways in the area to exceed established standards and would not create any safety problems. The highest peak hour trip generation at the project driveways would be about 39 vehicles during the PM peak hour. The project would not result in any significant traffic capacity or safety impacts and no off-site traffic mitigations would be required.

The addition of project traffic at all signalized intersections would continue to operate at acceptable levels-of-service based on City and County standards. All of the project study intersections would continue to have similar LOS results as the Existing Conditions and no off-site mitigations would be required. All of the study intersections would continue to have acceptable conditions (according to applicable standards) during the AM and PM peak hours. The proposed project would not significantly impact any bicycle or pedestrian facilities, including bike lanes, routes, or paths. No internal site circulation or access issues have been identified that would cause a traffic safety problem or any unusual traffic congestion or delay. At the project entrances on Los Coches Street and Topasz Street the project's side street approach should be controlled with a stop sign.

The City's Parking Ordinance requires 2.0 spaces per unit for residential unit with 3 or less bedrooms plus another 20% of the total required for guest parking. The project is currently proposing to meet the City's parking requirement by providing two garage parking spaces per unit plus and nine (9) guest parking spaces to meet the requirements.

Based on all the information given, the proposed project will have a less then significant impact to Traffic and Transportation. LS

XVII. 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?	☐	☐	☐	☒	1,2
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?	☐	☐	☒	☐	1,2
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?	☐	☐	☒	☐	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
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?	☐	☐	☒	☐	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1,2

Environmental Setting:

Water Service

Potable water supply for residence 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. 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 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. 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.

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. The City's contract with the NISL runs through 2017.

Comment:
The City's Public Works Department reviewed the project and utility plans and is ensuring the infrastructure will allow for 80 new single family residence on this site by conditioning the project to meet their standards.

Conclusion:
The proposed project would not exceed the capacity of existing utilities and service systems.
LS

XVIII. 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?	☐	☐	☐	☒	1-15, A
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)?	☐	☐	☒	☐	1-15, A
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	1-15, A
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-15, A

Conclusion:
The Traffic Study prepared by Abrams Associates incorporated recently approved project within the vicinity that would have an affect on the traffic within the area. The study concluded that the new project along with recently approved projects would not have a significant affect on the traffic LOS. For more details on this, please refer to the Traffic section within this report. With the implementation of the Mitigation Measures included in the project and described in the specific sections of this report, the proposed construction of 33 single family residential homes would not result in a significant environmental impact. **LS**

SOURCES

General Sources:

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan (Land Use Chapter)
3. City of Milpitas General Plan (Circulation Chapter)
4. City of Milpitas General Plan (Open Space & Environmental Conservation Chapter)
5. City of Milpitas General Plan (Seismic and Safety Chapter)
6. City of Milpitas General Plan (Noise Chapter)
7. City of Milpitas General Plan (Housing Chapter)
8. City of Milpitas Zoning (Title XI)
9. California Department of Conservation, *Santa Clara County Important Farmland 2006,* Map. June 2005
10. Bay Area Air Quality Management District, CEQA Guidelines, June 2010
11. County of Santa Clara Department of Public Works, *Soil Map Sheet 19,* 1964
12. United States Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, 1968
13. California Department of Conservation, *Geologic Map of the San Francisco-San José Quadrangle*, 1990
14. Federal Emergency Management Agency, *Flood Insurance Rate Map, Community Panel Nos. 06085CIND0A, 06085C0058H, 06085C0059H, 06085C0066H, 06085C0067H, 06085C0068H, 06085C0069H.06085C0080H, 06085C0086H, and 06085C0087H*
15. Transit Area Specific Plan Final Environmental Impact Report, June 2008

Project Related Sources:

A. Project application and plans
B. Traffic Impact Study
C. Phase I Analysis
D. Environmental Noise Assessment
E. Greenhouse Gas/ Air Quality Technical Report
F. Risk Assessment Plan
G. EDR, Environmental Data Resources Inc.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

RECEIVED
JUL 0 2 2012
CITY OF MILPITAS
PLANNING DIVISION

PHASE I ENVIRONMENTAL SITE ASSESSMENT
MILPITAS RESIDENTIAL, LOTS 1 AND 2 (APN 086-39-001and 002)
SOUTH MILPITAS BOULEVARD AND LOS COCHES STREET
FREMONT, CALIFORNIA

for
DRG BUILDERS, INC.
March 23, 2012

Job No. 3390.900

BERLOGAR STEVENS & ASSOCIATES

Via E-mail and Mail

March 23, 2012
Job No. 3390.900

BERLOGAR
STEVENS &
ASSOCIATES

Mr. Doyle Heaton
DRG Builders, Inc.
3480 Buskirk Avenue, Suite 260
Pleasant Hill, California 94523

Subject: Phase I Environmental Site Assessment
Milpitas Residential, Lots 1 and 2 (APN 086-39-001 and 002)
South Milpitas Boulevard and Los Coches Street
Milpitas, California

Dear Mr. Heaton:

Berlogar Stevens & Associates has completed a Phase I Environmental Site Assessment for the subject site located in Milpitas, California. We did not find evidence that current use of the property or activity at neighboring properties would indicate the likelihood of environmental impairment to the subject property. Additionally, we did not observe indications of hazardous material contamination or identify significant concerns at the site. In our opinion, the site does not warrant further investigation.

I declare that, to the best of my professional knowledge and belief, I meet the definition of environmental professional as defined in §312.10 of 40 CFR 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the All Appropriate Inquiries in conformance with the standards of practice set forth in 40 CFR part 312.

This Phase One Environmental Site Assessment is valid for 180 days from the date issued. If you have any questions, please contact us at (925) 454-0220.

Respectfully submitted,

BERLOGAR STEVENS & ASSOCIATES

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CP/WRS:jmb

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1.0 EXECUTIVE SUMMARY

PROJECT SUMMARY TABLE				
HAZARD	ACCEPTABLE	ACCEPTABLE REQUIRES O & M	CONCERN-POSSIBLE REMEDY	ADDITIONAL STUDY REQUIRED
Site History	X			
Database Review	X			
Visual Observations	X			
Asbestos		X		
PCB's	X			
UST's & AST's	X			
Radon	X			
Lead-based Paint	X			
Drinking Water	X			

1.1 Background

Berlogar Stevens & Associates (BSA) has conducted a Phase I Environmental Site Assessment of the property identified as Milpitas Residential Lots 1 and 2 (undeveloped lot at 345 Los Coches Street and developed lot at 375 Los Coches Street) Milpitas, California. The assessment included a review of the property's prior-use history, a review of neighboring properties based on reasonably ascertainable environmental databases, a visual reconnaissance for hazardous-material contamination, a preliminary screening for asbestos-containing building materials (ACBM), lead-based paint (LBP), drinking water quality and radon, and a search for above-ground storage tanks (AST's), underground storage tanks (UST's), and equipment containing polychlorinated biphenyls (PCB's).

The subject property is located in an area of residential and light commercial development. The subject property consists of a roughly rectangular-shaped parcel of land of approximately 2.7 acres and is currently developed with one building at 375 Los Coches Street.

1.2 Observations and Conclusions

We have performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-05. Any exceptions to, or deletions from this practice, are described in this report. This assessment has not revealed evidence of recognized environmental conditions in connection with the property. A Phase Two Environmental Site Assessment is not warranted.

The property is developed with a one-story building with paved parking areas and landscaping. BSA did not find evidence that current use of the property or activity at neighboring properties that would indicate the likelihood of environmental impairment to the subject property. In addition,

BSA did not observe visual evidence of hazardous-material contamination, indications of improper hazardous material storage or disposal, or identify significant concerns relating to PCBs, USTs, ASTs or radon at the subject property.

1.3 Certification and Limitations

The investigation was conducted on behalf of and for the exclusive use of DRG Builders, Inc. solely for use in an environmental evaluation of the property. This report and findings contained herein shall not, in whole or in part, be disseminated or conveyed to any other party, nor used by any other party, in whole or in part without prior written consent of Berlogar Stevens & Associates. However, Berlogar Stevens & Associates acknowledges and agrees that the report may be conveyed to and relied upon by DRG Builders, Inc., its successors and assigns, rating agencies, banks and bond investors.

Berlogar Stevens & Associates, its principal, and its employees have no present or contemplated interest in the property. Our employment and compensation for preparing this report are not contingent upon our observations or conclusions.

The investigation has been performed in a professional manner using the degree of care and skill ordinarily exercised by and consistent with the standards of competent consultants practicing in the same or similar locality as the Project. The reported observations and conclusions are limited only by the reported assumptions and limiting conditions and represents our unbiased and professional analysis, opinions, and conclusions. No other warranty, expressed or implied, is made or intended. The information in this report is from sources deemed to be reliable; however, no representation or warranty is made as to the accuracy thereof.

No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. This study is designed to reduce but not eliminate uncertainty regarding the existence of such conditions in a manner that recognizes reasonable limits of time and cost. Please note that the "shelf life" of this ESA is six months from the report date.

2.0 INTRODUCTION

Site Name: Proposed Residential Property

Site Address: Lot 1, 345 Los Coches Street and Lot 2, 375 Los Coches Street, Milpitas, California

Assessor's Parcel Number: 086-39-001 and 002

2.1 Background

Berlogar Stevens & Associates (BSA) was retained to conduct a Phase I Environmental Site Assessment at the above referenced property. The purpose of the assessment was to provide to a preliminary degree, an objective, independent, professional opinion of the potential environmental risks, if any, associated with the subject property.

The Environmental Site Assessment included a visual reconnaissance of the property and immediate vicinity, and a review of regulatory agency public records. The regulatory information sources are listed by agency in the following sections, and include federal, state, and local databases. Photographs of the subject property were taken in preparing this report. Relevant photographs are included in this report as Appendix A and copies of photographs taken are maintained in BSA's files.

As part of the assessment, BSA representative Christopher Palmer conducted a site reconnaissance on December 28, 2011. The weather was sunny at the time of the site reconnaissance.

2.2 Scope of Work

The purpose of this environmental assessment was to identify the immediate and most recognizable environmental concerns at the subject property. The assessment was generally performed in accordance with the recommendations presented in the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E1527-05 and accepted industry standards/practice.

The specific scope of work included the following: Prior Use History Review, Environmental Database Review, Visual Reconnaissance, Preliminary ACBM Screen, PCB Equipment Search, AST and UST Search, Preliminary/Radon Review, Preliminary LBP Screening, and Drinking Water Quality.

2.3 Significant Assumptions

The information in this report is from sources deemed to be reliable; however, no

representation or warranty is made as to the accuracy thereof.

2.4 Limitations and Exceptions

The investigation has been performed in a professional manner using the degree of care and skill ordinarily exercised by and consistent with the standards of competent consultants practicing in the same or similar locality as the Project. The reported observations and conclusions are limited only by the reported assumptions and limiting conditions and represents our unbiased and professional analysis, opinions, and conclusions. No other warranty, expressed or implied, is made or intended. BSA did not interview the previous property owner or any of the neighbors of the subject property.

2.5 User Reliance

No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. This study is designed to reduce but not eliminate uncertainty regarding the existence of such conditions in a manner that recognizes reasonable limits of time and cost.

3.0 SITE DESCRIPTION

3.1 Site Location

The approximately 2.7-acre property; Lot 1 at 345 Los Coches Street is not developed, and Lot 2 at 375 Los Coches Street is developed with a one-story, 19,600 square foot building. The irregularly shaped parcel is located at South Milpitas Boulevard at Los Coches Street in Milpitas. The property APN is 086-39-001 and 002 (see Plates 1 and 2 and Site Photographs in Appendix A). It is our understanding that the Genesis United Methodist Church is the current property owner of the undeveloped lot (345 Los Coches Street). Less Properties, LLC owns the 375 Los Coches Street property.

3.2 Site Description

The site is relatively flat at an elevation of about 21 feet MSL.

3.3 Current Use of the Property

The 375 Los Coches Street property is currently developed with an office building with landscaping and paved parking areas; the building is currently vacant. Lot 2 at 345 Los Coches Street is undeveloped.

3.4 Current Uses of Adjoining Properties

The subject property is located in an area of residential and light commercial development in Fremont, California and is bordered as follows:

North -	Commercial building development.
East -	South Milpitas Boulevard and commercial building development.
South -	Los Coches Street and commercial building development.
West -	Commercial building development.

3.5 Topography

The subject property is located at an elevation of approximately 21 feet above mean sea level, based on the United States Geologic Survey Topographic Quadrangle Map, Niles California. The area is undeveloped on the 1899 and 1961 San Jose 15 minute, and 1953, 1961, 1968, 1973 and 1980 Milpitas 7.5 minute maps (see Appendix D).

3.6 Surface Water Characteristics

BSA did not observe any surface water on the site or adjacent to the site; the nearest water body is Berryessa Creek about 400 feet north. The site is flat and is mapped inside a 100-year flood zone or 500-year flood zone, according to the Flood Insurance Rate Map by the Federal Emergency Management Agency, No. 06085C.

3.7 General Geologic Characteristics

The site is located in northeastern Santa Clara County. The property is underlain by alluvium composed of sand, gravel, silt and clay. Large, active northwest-southeast trending faults that historically generate damaging earthquakes occur to the east of the property in the hills; the active Hayward fault is about 1.5 miles to the east. Shallow ground water that might be present in the area may occur in thin discontinuous unconfined sandy aquifers within about the upper 50 to 100 feet and streams and surface water infiltration recharge the aquifers. Large aquifers used for drinking and agricultural water occur beneath the site region in the Santa Clara Valley Groundwater Basin. Regional ground water flow direction in the area is estimated as westerly towards San Francisco Bay.

3.8 Water System

The subject property is connected to a public water source at 375 Los Coches Street.

4.0 USER PROVIDED INFORMATION

4.1 Title Records

A 50-year chain of Title was not provided by the client for BSA's review nor was one readily available for review.

4.2 Environmental Liens or Activity Use Limitations

A search for environmental liens and activity use limitations (AUL) did not reveal any liens or activity use limitations for the property (see EDR Environmental Lien Report in the appendices).

4.3 Specialized Knowledge

There was no special knowledge provided to BSA for the subject property

4.4 Commonly Known or Reasonably Ascertainable Information

BSA has searched available State, City and County sources for property information and has had a database provider search the property APN/address.

4.5 Valuation Reduction for Environmental Issues

There is no information provided to BSA regarding any property value reduction issues.

4.6 Owner, Property Manager, and Occupant Information

BSA did not interview the current or previous owner for this study.

4.7 Reason for Performing Phase I

It is BSA's understanding that this Phase I ESA report is being used as part of anticipated future property development.

5.0 RECORDS REVIEW

BSA reviewed the prior use history of the subject property. BSA attempted to review as many sources that were both reasonably ascertainable and likely to be useful as required by ASTM guidance. The review attempted to identify the prior usage back to the earlier of either the property's first developed use or 1940 (see the EDR Radius Map Report in Appendix B). It should be noted that Lot 1, 345 Los Coches Street is A.K.A. 124 South Milpitas Boulevard in the EDR searches.

5.1 City/County/State Records Review

A review of the City of Milpitas Building Department found building permits that appeared to be filed for the subject property APN/address. The property at 375 Los Coches Street was initially developed as a commercial office building and had permits for building improvements (see Interview and Research Documentation in the appendices). A note in the files states that hazardous materials are not used in the

building. A certificate of occupancy (dated March 17, 1987 for business name UTI), and a permit number 69944 dated 2/7/76 with mechanical plans and building calculations for Read Rite was also in the file. There were no files for the 345 Los Coches Street address.

The Santa Clara County Environmental Health Department maintains records of tanks and hazardous materials. There were no records of underground fuel storage tanks or reported problems for the subject property APN/address.

A review of the State Department of Toxic Substances ENVIROSTOR database did not reveal any listing of files for the site addresses of 375 Los Coches Street. However there was an entry for 345 Los Coches Street for a tiered permit for Read Rite Corp. (see appendices). It is our view that this permit was apparently not used and the address was never used by Read Rite. Read Rite has not occupied the 375 Los Coches Street building since about 2000 according to the city directory information (see Sec. 5.4)

A review of the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) database did not reveal any listing or files for the site address. The property is not listed on RWQCB GeoTracker.

5.2 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps (see appendices) show the location and use of structures on a property at a given point in time and are widely available for areas that were significantly developed during the late 1800s through the 1950s. The EDR Certified Sanborn Map search showed there was no mapping for this site.

5.3 Aerial Photographs

BSA reviewed single aerial photographs for 1939, 1946, 1958, 1965, 1974, 1982, 1993, 1998, 2005 and 2006 from the EDR Aerial Photography Print Service and Google Earth aerial photographs dated October 30, 2002 and August 22, 2003 (see Appendix C). A review of the aerial photographs listed by year and source showed the following:

1939 (Fairchild, 1"=555') – The subject property appears to be undeveloped and in row crop or grain agricultural use.

1948 (USGS, 1"=655') – The subject property appears similar to the previous photograph however no crop use is observed.

1956 (Aero, 1"=555') – The subject property appears similar to the previous photograph, with possibly a row crop planted.

1965 (Cartwright 1"=333') – The subject property appears similar to the previous photograph.

1975 (NASA 1"=601') – The subject property appears similar to the previous photograph.

1982 (USGS 1"=690') – The subject property appears undeveloped and the land use has changed to urban with numerous commercial developments and streets constructed.

1993 (EDR 1"=500') – The subject property appears similar to the previous photograph and the building at 375 Los Coches Street has been constructed. Lot 1 is still undeveloped. Urban development continues to occur around the property.

1998 (USGS 1"=666') – The subject property appears similar to the previous photograph.

2005 (EDR 1"=500') – The subject property appears similar to the previous photograph.

2006 (EDR 1"=500') – The subject property appears similar to the previous photograph.

5.4 City Directories

City and telephone directory record names and businesses located at a particular numeric property address by year (using the R. L. Polk & Co. City directories, Pacific Bell, Pacific Directory and Pacific Telephone phone books and the Haines Criss-Cross Directories as available). The EDR report with listings for surrounding addresses is presented in the appendices. The following listings were noted:

2002 Haines – No listing
2000 Haines – Read Rite
1991 Pacific Telephone White Pages– Universa Itechkat Institute, Read Rite
1996 Pacific Bell – Read Rite
1986 Pacific Bell – Read Rite, TLI Technology
1985 Pacific Bell – Read Rite, TU Technology

5.5 Summary of Historical Data

Based upon the information that was available and presented above, it appears that the subject property was undeveloped land according to topographic maps dating to before 1899 to about 1990. City directories show listing for 375 Los Coches Street in 1985, a certificate of occupancy is dated March 17, 1987 and the building is visible in a 1993 aerial photograph. Lot 1 adjacent to 375 Los Coches Street has not been developed to date. An interview (see Sec. 7.1 below) with a co-owner of 375 Los Coches Street indicates that the building has been used as an office since it was developed.

Based on the information provided above, it is BSA's professional opinion that the intent of the ASTM guidelines for prior use history has been met, and no prior usage of the subject property was identified that would indicate the need for additional study. EDR historical topographic maps are contained in the appendices.

5.6 Environmental Database Tables

BSA reviewed environmental databases provided by EDR to determine whether the subject property or neighboring properties were suspected of having or known to have environmental concerns likely to adversely impact the subject property. EDR has provided a tax map showing the parcel location as part of their EDR Map Report coverage (see appendices). A summary of the identified sites is provided in the tables for Federal, State and Local, Indian and EDR Proprietary databases below. A detailed listing and description of the databases reviewed and a listing of the sites identified are provided in the EDR Radius Map in the appendices.

Federal Records

List Name	Date rept active by EDR or Updated	Search Radius (mile/s)	Subject site Listed?	<1/8 mile	1/8-1/4 mile	1/4-1/2 mile	1/2-1 mile	Over 1 Mile	Total
NPL	9/29/11	1.0							0
Proposed NPL	9/29/11	1.0							0
Delisted NPL	9/29/11	1.0							0
NPL Liens	9/29/11	TP							0
CERCLIS	5/2/11	0.5							0
CERCLIS-NFRAP	5/2/11	1.0				2			2
CORRACTS	6/14/11	1.0					1		1
RCRA-TSD	8/8/11	0.5							0
RCRA-LQG	8/8/11	0.25			3				3
RCRA-SQG	8/8/11	0.25			1				5
RCRA-Non-Gen	8/8/11	0.25		1	2				0
ERNS	8/8/11	0.25							0
HMIRS	6/14/11	TP							0
US ENG CONTROLS	9/30/11	TP							0
US INST CONTROL	6/14/11	0.5							0
DOD	6/14/11	0.5							0
FUDS	9/11/11	1.0							0
US BROWN-FIELDS	12/02/10	1.0							0
CONSENT	9/13/11	0.5							0
ROD	9/29/11	1.0							0
UMTRA	9/29/11	1.0							0
ODI	1/28/11	0.5							0
TRIS	9/17/04	0.5							0
TSCA	3/21/11	TP							0
FTTS AND HIST FTTS	12/2/10	TP							0
SSTS	5/11/09 4/10/07	TP							0
US CDL	2/25/11	TP							0
PADS	9/29/11	TP							0
MLTS	2/16/11	TP							0
MINES	9/13/11	0.25							0
FINDS	9/29/11	TP							0
RAATS	2/27/10	TP							0

TP = Target Property

STATE RECORDS

List Name	Date rept active by	Search Radius	Subject site	<1/8 mile	1/8-1/4 mile	1/4-1/2 mile	1/2-1 mile	Over 1 Mile	Total

	EDR or Updated	(mile/s)	Listed?						
Hist Cal-sites	8/24/06	1.0							
Toxic Pits	9/26/95	1.0							0
CDL	2/16/11	TP							0
CA Bond Exp. Plan	6/02/94	1.0							0
SCH	9/9/11	0.25							0
SWL/LF	10/3/11	0.5							0
CA WDS	6/29/07	TP							0
WMUDS/SWAT	5/10/00	0.5							0
NPDES	10/3/11	0.5							0
Cortese	7/15/11	0.5							0
Hist Cortese	4/8/09	0.5							0
Hist UST	2/18/10	0.5			3	7			10
LUST	1/2/11	0.5			1	10			11
SLIC	9/12/11	0.25				2			2
UST	9/9/11	0.25			1				1
CA FID UST	5/14/09	0.25			1				1
HIST UST	1/28/11	0.5			1	6			7
SWRCY	7/15/11	0.25				1			1
AST	10/1/09	1.0							0
WIP	8/3/09	0.25							0
SWEEPS UST	8/11/05	0.25			2				2
CHMIRS	6/15/11	TP							0
Notify 65	11/19/93	1.0							0
DEED	1/18/10	0.5							0
VCP	9/9/11	0.5							0
DRY CLEANERS	8/11/11	0.25							0
RESPONSE	9/9/11	TP					1		1
HAZNET	8/16/11	0.25							0
HWP	8/20/10	TP					1		1
EMI	10/18/10	TP							0
ENVIROSTAR	9/9/11	TP			3	8	11		22
Alameda DEH	3/8/11	1.0				1			1

TP = Target Property

EDR PROPRIETARY RECORDS

List Name	Updated	Search Radius (mile/s)	Subject site Listed?	<1/8 mile	1/8-1/4 mile	1/4-1/2 mile	1/2-1 mile	Over 1 Mile	Total
MANUF. GAS PLANTS		1.0							0
EDR Hist. Auto Stations		1.0							0
EDR Hist. Cleaners		1.0							0

TP = Target Property X - Target Property address listed on database

* - Date listed is date of activation of regulatory database by EDR for search or if list not updated, last date of EDR contact with agency. See EDR Radius report for more information.

The Lot 1 property address of 345 Los Coches Street is not listed on any database, but the 375 Los Coches Street is listed as shown below. The following sites were listed on databases prepared by EDR within about 1,250 feet of the subject property that may indicate potential ground water contaminant on adjacent sites:

Listed Site	Distance from Subject Property as Plotted by EDR	Brief Summary
JDS Uniphase Los Coches Site, 375 Los Coches Street	**Subject property**	RCRA-LQG, FINDS WDS SWEEPS UST, HAZNET. The EDR listing states that materials were stored bulked or transferred off site, no treatment or recovery.
Devcon Construction 555 Los Coches Street	994 feet west apparent down gradient	CA FID UST, LUST, UST, HIST UST, SWEEPS UST, HAZNET. Cleanup completed, case closed.
Shapell Indus. Of N. California	1202 feet East northeast apparent up gradient	LUST, UST, HIST UST, SWEEPS UST. LUST cleanup site, case closed.

The co-owner of the 375 Los Coches Street building stated that the building was only used for office work and some electrical testing of electronic parts and no "wet" processes or fabrication was performed in the subject building (see Sec. 7.1 below). JDS Uniphase also had used the neighboring building immediately south (off the subject property).

Most of the other reported sites are either side gradient or down gradient of the regional groundwater flow direction and at distances from the property such that in our view, groundwater contaminants and soil vapor contaminants should not affect the subject property. In our opinion, no spill incidents noted by EDR were noted which appear to have the potential to impact the subject property. Several facilities that reportedly use, generate, store or treat hazardous materials in the area were also identified in the area on the searched databases. No active landfills or transfer stations were identified within the radius searched.

6.0 SITE RECONNAISSANCE

6.1 Methodology and Limiting Conditions

Berlogar Stevens & Associates representative Mr. Christopher Palmer performed a site reconnaissance on December 28, 2011 accompanied by Mr. Eldin Shreve, co-owner of the 375 Los Coches Street property, to view the property and immediate surrounding area. The reconnaissance was limited to a walk of the property.

6.2 General Site Setting

Lot 1, 375 Los Coches Street
The building has been vacant for about two years and was used as an office building with about 19,600 square feet of interior space. The property has asphalt paved parking areas and well maintained landscaping.

The building is divided in walled offices, open area with "cubicle" offices, restrooms two small kitchens, an electronic testing lab for electronic equipment and a receiving dock (see Photographs). The building is well maintained and a small computer system is used for lighting and security alarms. The former electronics testing area is a large room where

electronic components were bench tested; no wet processes or manufacturing was performed but an air-line for air operated equipment was present.

Clayton Environmental Consultants performed a Phase I ESA on the 375 Los Coches Street property in 1999 (see References). The ESA found that the building was used for office space and no problems were reported. An indoor air quality report was also performed and noted water stains on the interior ceiling. A recommendation for routine maintanence was made for the air conditioning equipment to prevent possible mold problems. Limited testing for suspect asbestos-materials was also performed (see Sec. 6.3 below).

Lot 2, 345 Los Coches Street

This lot is undeveloped and has perimeter sidewalks and curbs and shares a common boundary with the 375 Los Coches Street lot. The property is essentially flat and had a low grass cover at the time of our visit. Minor amounts of paper trash, broken concrete, a plastic spray bottle and garden trash were scattered on the surface. H. T. Harvey and Associates performed an ecological survey in August 2005 to search for burrowing owl habitat on this property (see Sources of Information in the appendices). The survey concluded at that time that the site was not suitable for owl habitat.

BSA did not observe any pits, ponds, standing water, foul odors or surface evidence of possible hazardous materials presence on the either property lot. Minor stains in the parking area at 375 Los Coches Street are assumed from parked vehicles.

6.3 Preliminary Asbestos Screening

A material is defined to be ACBM, under California State regulations, if it contains greater than 0.1% asbestos by weight. When referring to asbestos, friable means the material, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Friable ACBM are more likely than non-friable ACBM to release fibers when disturbed or damaged. The level of the preliminary screening performed by BSA was designed solely to identify the presence of the most obvious and common ACBM, not to comply with the survey requirements of the Asbestos Hazard Emergency Response Act (AHERA) of 1986.

The Occupational Safety and Health Administration (OSHA) found the installation of friable surfacing material and thermal system insulation after December 31, 1980 unlikely. The definition of suspect ACBM and presumed asbestos containing material is taken from 29 CRF Parts 1910, et al, Occupational Exposure to Asbestos; Final Rule.

Since the building on Lot 2 was developed in the 1980's, ACBM is not a concern. Suspect ACBM was not observed on the vacant Lot 1 during our site visit.

Clayton Environmental Consultants performed a site inspection for ACBM and performed limited testing of suspect ceiling tiles for asbestos as part of their 1999 ESA. Those test results showed that asbestos was not detected (see Sources of Information in the appendices).

6.4 PCB-Containing Transformer Search

BSA observed one electrical transformer marked T608 on the subject property. BSA did not observe markings that indicated this transformer contained PCBs. It is our understanding that this equipment is maintained by PG&E.

6.5 Storage Tank Search

BSA did not observe evidence of underground storage tanks (USTs) or aboveground storage tanks (ASTs) during our site walk. An inquiry to the Santa Clara County Health Department records found no documentation for ASTs or USTs presently or historically on the subject site.

6.6 Radon Screening

Individual states have conducted a statewide screening for indoor radon to determine whether there are particular regions that are more prone to indoor radon problems than others. BSA has obtained copies of this information and the subject site lies within an area determined to have a radon Zone Level of 2. Zone 2 has a predicted average indoor screening level of less than 4 picocuries per liter (pCi/L). The USEPA action level for radon is 4 pCi/L. Radon is not considered to be a recognized environmental concern for the subject property.

6.7 Preliminary Lead-Based Paint Screening

Lead-Based Paint (LBP) as defined in the department of Housing and Urban Development (HUD) regulations, are paints that contain greater than 0.5% or 5,000 ppm of lead, based on dry weight. Section 302 of the Lead-Based Paint Poison Prevention act requires public housing projects to be inspected for LBP. The sale of paints containing more than 600 ppm of lead to consumers was banned by the Consumer Product Safety Commission (CPSC) in 1978. The CPSC ban does not apply to structural steel building components, such as columns, beams, and decking, that are painted as part of the fabrication process.

Since the building was developed in the late 1980's, LBP is not a concern. Suspect LBP materials were not observed on the vacant lot during our site visit.

6.8 Lead in Drinking Water

The subject property at 375 Los Coches Street is developed and currently connected to a municipal water supply. This property also uses recycled water for landscaping. No water quality information was available.

7.0 INTERVIEWS

7.1 Interviews with the Owner(s) and Occupants

BSA interviewed Mr. Eldin Shreve a co-owner of the 375 Los Coches Street property for about the last 12 years. Mr. Shreve stated that during their ownership the building had been used for office space and a small electronic parts testing laboratory. JDS Uniphase had occupied the subject building and neighboring buildings. Mr. Shreve said that the building had not been used for any "wet" processes or fabrication and no hazardous materials use or storage occurred on the property. The building has been vacant for about the last two years.

BSA did not interview the current property owner for the vacant Lot 1.

7.2 Interviews with the Local Government Officials

BSA contacted the desk staff at the City of Milpitas regarding the file searches for the property APN for building permits and used their in-office electronic system to retrieve the attached building permits. There were no records for the property APN regarding underground storage tanks or any contaminant or hazardous materials problems according the search performed by EDR. BSA also used web-based search software for the County of Santa Clara and Regional Water Quality Control Board (RWQCB) GeoTracker.

8.0 FINDINGS

8.1 Findings

The subject property was agricultural land until about the late 1970s. A building was constructed in 1987 on Lot 2 at 375 Los Coches Street according to building permit information. The adjacent Lot 1 at 345 Los Coches Street has not been developed. A search of regulatory agencies shows that there are no reports or files for contaminant or hazardous materials or underground storage tanks for the property.

9.0 DATA GAPS AND DEVIATIONS

9.1 Data Gaps

In our opinion, there are no data gaps in this study. A review of topographic maps (1899 through 1980), Sanborn Maps and aerial photographs (1939 through 2006) and City of Milpitas Building Permits show that Lot 2 of the property was developed around 1987. The available regulatory records show that there are no files for the property and a co-owner of 375 Los Coches Street stated that there had not been any hazardous materials use of contaminant problems with the property. Evidence of possible hazardous materials use or

disposal on the vacant Lot 1 was not observed on the field walk. In our opinion, there is sufficient site history and there are no data gaps in this study.

9.2 Deviations

The ASTM standard practice guidance states that historic records should be reviewed for a Phase One Environmental Site Assessment, including interviews. BSA did not interview the former owner or current owner of the vacant Lot 1, or neighbors of the subject property. However, the property history is sufficiently complete from other sources including a previous interview with the property owner. Given the available site history, it is our opinion that this is a minor deviation from the guidance and does not affect the conclusions.

10.0 CONCLUSIONS

10.1 Conclusions

Berlogar Stevens & Associates performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-05 for the Fremont property site at Lots 1 and 2 at 345 and 375 Los Coches Street in Milpitas, California. Any exceptions to, or deletions from this practice, are described in this report. The subject property is currently one undeveloped lot and on developed lot with a one story office building.

The building at Lot 2, 375 Los Coches Street appears to have been completed in 1987 according to building permit information, and has been used for office space. This building has not been used for "wet" processes or manufacturing. The adjacent Lot 1 has not been developed and minor amounts of paper trash; fragments of broken concrete and garden trash litter the surface.

BSA did not find evidence that current use of the property or activity at neighboring properties that would indicate the likelihood of environmental impairment to the subject property. In addition, BSA did not observe visual evidence of hazardous-material contamination, indications of improper hazardous material storage or disposal, or identify significant concerns relating to PCBs, ASTs, USTs, or Radon at the subject property. This assessment has not revealed evidence of recognized environmental conditions in connection with the property.

BSA does not recommend further environmental testing at this time. BSA does recommend the following:

- Limited testing of ACBM was performed in 1999 at the 375 Los Coches Street building and asbestos was not detected. If future building renovation or demolition is planned, a qualified contractor should test for ACBM if suspect materials are encountered, and properly manage and dispose of the ACBM if needed.

JOB NUMBER: 3390.900 DATE: 1-5-12 BY: CC

N

SCALE: 1" = 2000'

VICINITY MAP

MILPITAS RESIDENTIAL LOTS 1 AND 2

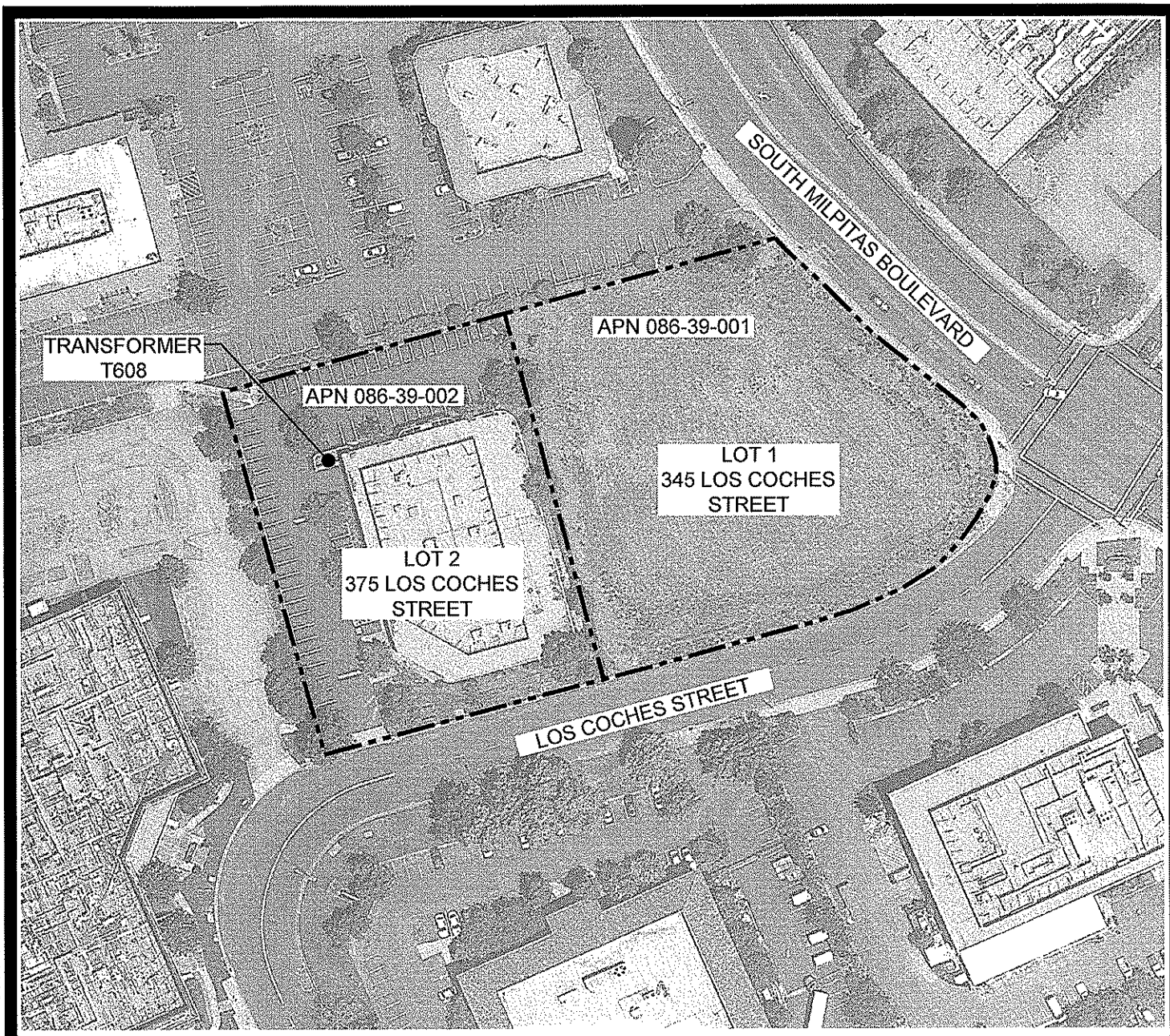
SOUTH MILPITAS BOULEVARD AND LOS COCHES STREET

MILPITAS, CALIFORNIA

FOR

DRG BUILDERS, INC.

BASE: PORTION OF U.S.G.S. 7.5 MINUTE TOPOGRAPHIC QUADRANGLE, MILPITAS, CALIFORNIA, AT A SCALE OF 1:24,000.



CHECKED BY:

DRAWN BY: CC

DATE: 1-5-12

JOB NUMBER: 3390.900

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1"=100'

EXPLANATION

PROPERTY LINE

SITE PLAN

MILPITAS RESIDENTIAL

LOTS 1 AND 2

SOUTH MILPITAS BOULEVARD
AND LOS COCHES STREET
MILPITAS, CALIFORNIA
FOR
DRG BUILDERS, INC.

Berlogar Stevens & Associates

SOIL ENGINEERS * ENGINEERING GEOLOGISTS

BASE: GOOGLE EARTH IMAGE

Traffic Impact Study

Abrams Associates
Transportation • Traffic • Engineering • Planning

375 Los Coches Residential Project

City of Milpitas

Prepared for:
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June, 2012

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375 Los Coches Street Residential Project
City of Milpitas

TRANSPORTATION AND CIRCULATION

1) INTRODUCTION

The proposed project would include 33 single family dwellings and would be located on the northwest corner of the intersection of South Milpitas Blvd with Los Coches Street. All access to the site will be from a main entrance onto Los Coches Street with a separate emergency vehicle access connection to South Milpitas Blvd. The site will include a two car garage for each unit along with an additional 9 on-street parking spaces within the site. **Figure 1** shows the location of the project and the surrounding roadway network. **Figure 2** shows the proposed site plan for the project.

This report describes the existing traffic and circulation system, parking conditions, and pedestrian and transit conditions in the vicinity of the proposed project and provides an analysis of the potential impacts of the project. This transportation impact study has been conducted consistent with the requirements and methodologies of the City of Milpitas, the Valley Transportation Authority (VTA) and the applicable provisions of CEQA.

With 33 residential units it is estimated that the proposed apartment project could generate up to 39 trips during the critical PM peak hour. Based on the project's trip generation and the potential for traffic impacts a list of project study intersections was prepared in coordination with City staff. Beyond these intersections, the project would not be expected to result in any noticeable changes to traffic conditions.

2) SETTING

This section of the report describes the roadways, traffic conditions and other existing transportation characteristics in the vicinity of the project. The primary basis of the analysis is the peak hour level of service for the key intersections. The hours identified as the "peak" hours are generally between 8:00 a.m. and 9:00 a.m. and 5:00 p.m. and 6:00 p.m. for all of the transportation facilities described. Throughout this report, these peak hours will be identified as the AM and PM peak hours, respectively.

Project Study Intersections

Figure 1 shows the location of the proposed project and the adjacent street network in this section of Milpitas. All traffic from the project will enter onto Los Coches Street. There are six (6) study intersections that have been included in the project. Please note that all of the project study intersections are currently signalized.

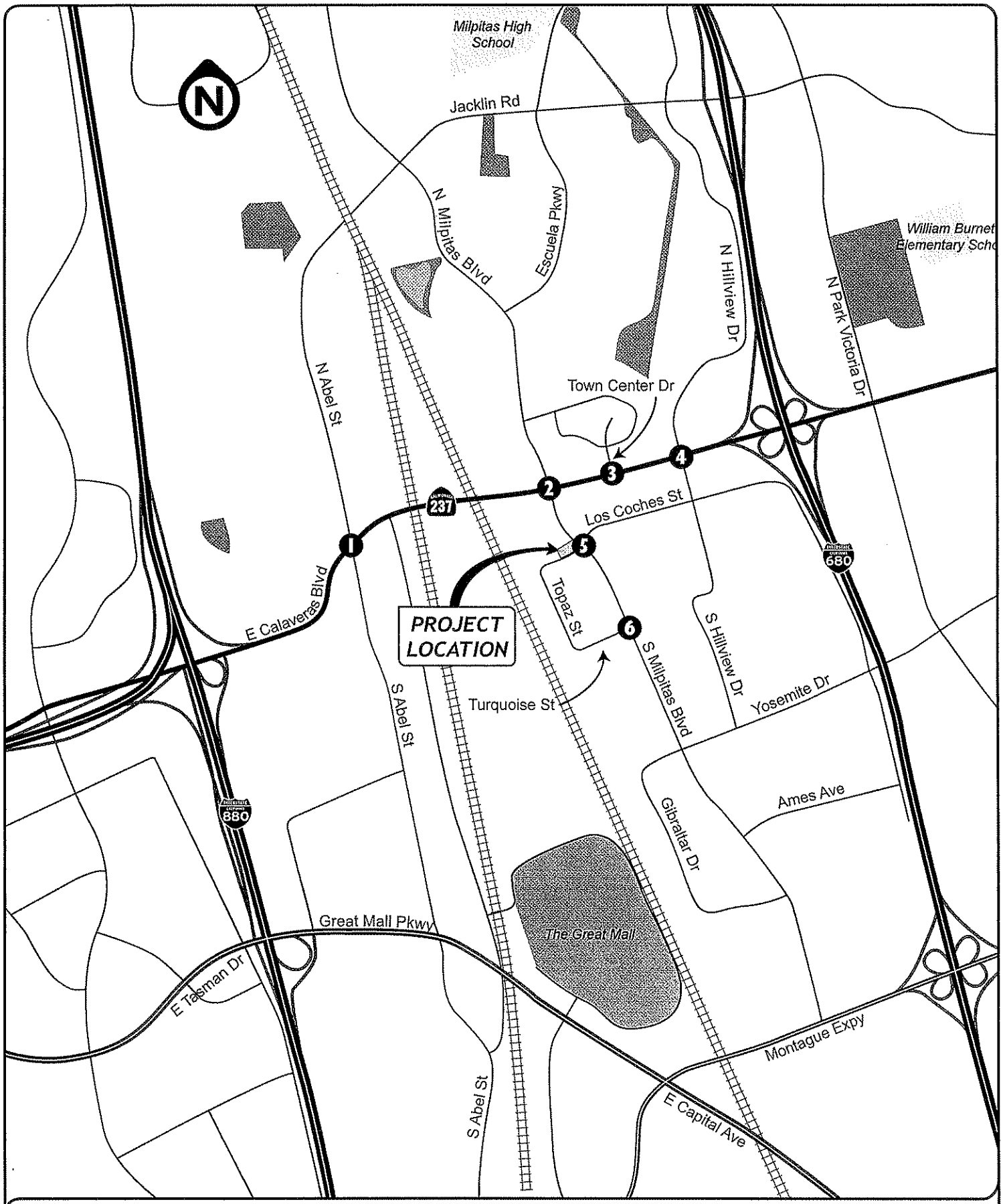

FIGURE 1 | PROJECT LOCATION
TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
City of Milpitas

Abrams Associates
TRAFFIC ENGINEERING, INC.

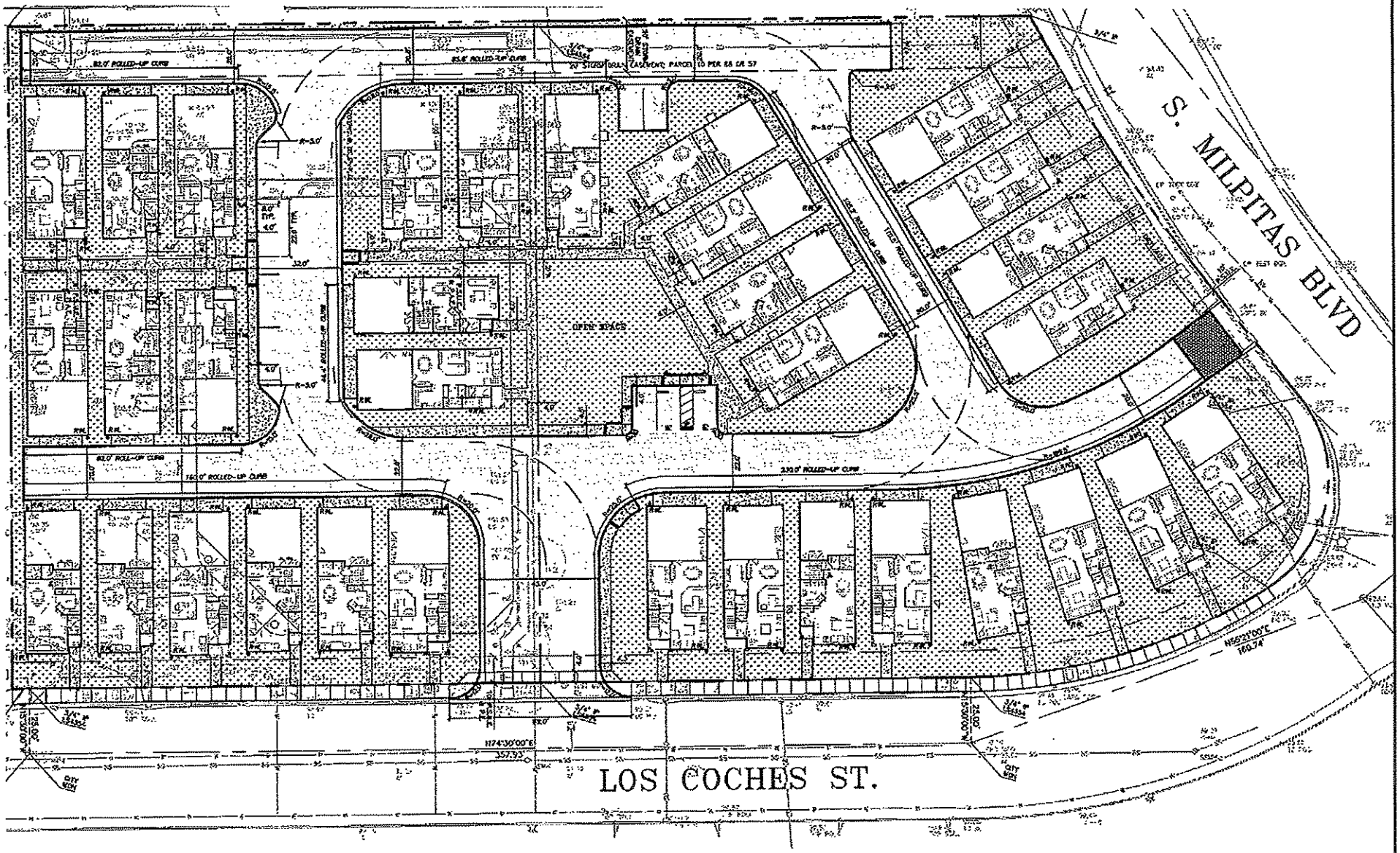

FIGURE 2 | SITE PLAN
TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
City of Milpitas

Abrams Associates
TRAFFIC ENGINEERING, INC.

The following is a list of the project study intersections:

1. Calaveras Boulevard (State Route (SR) 237) / Abel Street
2. Calaveras Boulevard (State Route (SR) 237) / Milpitas Boulevard
3. Calaveras Boulevard (State Route (SR) 237) / Town Center Drive
4. Calaveras Boulevard (State Route (SR) 237) / Hillview Drive
5. Milpitas Boulevard / Los Coches Street
6. Milpitas Boulevard / Turquoise Street

Traffic Analysis Scenarios

The study intersections were evaluated for the following scenarios:

- Scenario 1: Existing Conditions – Level of Service (LOS) based on existing peak hour volumes and existing intersection configurations. The volumes in this scenario are based on traffic counts taken in June, 2012 when schools were still in session.

- Scenario 2: Baseline Conditions (Year 2014) – Existing traffic plus background traffic growth plus anticipated traffic from any approved developments that would substantially affect the volumes at the project study intersections.

- Scenario 3: Baseline Conditions Plus Project – Baseline conditions peak-hour volumes plus trips from the proposed project.

Existing Roadway Network

The project location and the surrounding roadway network are illustrated in **Figure 1**. The primary roadways that would be affected by the project include:

- **State Route 237** – SR 237 is an east-west roadway that includes two diffferent facilities in the project study area. To the west SR 237 is a six-lane freeway extending from I-880 west towards US 101. In the vicinity of the proposed project SR 237 is known as Calaveras Boulevard and is a four- to eight-lane arterial roadway extending between I-880 and I-680 (with an elevated section over the Union Pacific Railroad tracks). Calaveras Boulevard serves as a major commute route with heavy directional travel during the peak hours (westbound in the morning and eastbound in the afternoon).

- **Milpitas Boulevard** – Milpitas Boulevard is a north-south, four-lane arterial extending from the Milpitas City limit line (also the Santa Clara-Alameda County limit line) south to the Montague Expressway. Milpitas Boulevard is identified as Warm Springs Boulevard north of the City/County limit.

- **Abel Street** – Abel Street is a north-south, four-lane roadway parallel to Main Street extending from Milpitas Boulevard (north of Calaveras Boulevard) south to Main Street (south of Great Mall Parkway). The section of Abel Street between Corning and Curtis Avenues includes four travel lanes plus a two-way left-turn

lane.

- **Town Center Drive** – Town Center Drive is a two lane roadway extending north from east Calaveras Boulevard with additional turn lanes at key intersections and no parking permitted. Town Center Drive provides access to the City of Milpitas Town Center as well as the Town Center Shopping Center.

- **Hillview Drive** – Hillview Drive is a north-south collector roadway which extends from Yosemite Avenue on the south to terminate in the residential area north of Jacklin Road. For most of it length Hillview Drive one lane in each direction with parking permitted.

- **Los Coches Street, Topaz Street, and Turquoise Drive** – Los Coches Street, Topaz Street, and Turquoise Drive are all local roadways with one lane in each direction and parking permitted. These roadways provide direct access to residential and commercial properties in the area and provide connections to major arterials in the area such as Milpitas Boulevard and Calaveras Boulevard.

Intersection Analysis Methodology

Existing operational conditions at the six (6) study intersections have been evaluated using Synchro Software to implement the 2000 *Highway Capacity Manual* (*HCM*) Level of Service (LOS) methodology.[1] Level of service is an expression, in the form of a scale, of the relationship between the capacity of an intersection (or roadway segment) to accommodate the volume of traffic moving through it at any given time. The level of service scale describes traffic flow with six ratings ranging from A to F, with "A" indicating relatively free flow of traffic and "F" indicating stop-and-go traffic characterized by traffic jams.

As the amount of traffic moving through a given intersection or roadway segment increases, the traffic flow conditions that motorists experience rapidly deteriorate as the capacity of the intersection or roadway segment is reached. Under such conditions, there is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays that lead to traffic congestion. This near-capacity situation is labeled level of service (LOS) E. Beyond LOS E, the intersection or roadway segment capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it.

For signalized intersections, the *HCM* methodology determines the capacity of each lane group approaching the intersection. The LOS is then based on average control delay (in seconds per vehicle) for the various movements within the intersection. A combined weighted average control delay and LOS are presented for the intersection. **Table 1** summarizes the relationship between LOS and average control delay at signalized intersections.

Existing Intersection Capacity Conditions

The existing intersection geometry and traffic counts at the "study" intersections for weekday AM and PM peak hours are presented in the *Traffic Analysis Appendix*. AM and PM peak hour

[1] *Highway Capacity Manual*, Transportation Research Board, Washington D.C., 2000

turning movement counts were conducted at all of the project study intersections in 2009 and 2010 at times when local schools were in session.

TABLE 1
SIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS

Level of Service	Description of Operations	Average Delay (sec/veh)
A	Insignificant Delays: No approach phase is fully used and no vehicle waits longer than one red indication.	≤ 10
B	Minimal Delays: An occasional approach phase is fully used. Drivers begin to feel restricted.	> 10 to 20
C	Acceptable Delays: Major approach phase may become fully used. Most drivers feel somewhat restricted.	> 20 to 35
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly without excessive delays.	> 35 to 55
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80

SOURCE: *Highway Capacity Manual*, Transportation Research Board, 2000.

[1]As part of the *HCM methodology*, adjustments are typically made for various factors that reduce the ability of the streets to accommodate vehicles (such as the downtown nature of the area, number of pedestrians, vehicle types, lane widths, grades, on-street parking and queues). These adjustments are performed to ensure that the LOS analysis results reflect the operating conditions that are observed in the field.

Figure 3 presents the existing lane configurations at the project study intersections and **Figure 4** presents the existing traffic volumes. **Table 3** summarizes the associated LOS computation results for the existing weekday AM and PM peak hour conditions (the corresponding LOS analysis calculation sheets are presented in the *Traffic Analysis Appendix*).

As shown in **Table 3**, all of the signalized study intersections currently have acceptable conditions according to City and County Standard during the weekday AM and PM peak hours. As specified later in the report, the applicable standard require LOS D be maintained at local intersections and LOS E be maintained on Congestion Management Plan (CMP) routes such as Calaveras Boulevard.

Planned Roadway Improvements

The VTA and the City of Milpitas are participating in ongoing planning for ling term improvements to Calaveras Boulevard which would likely involve the construction of additional through lanes in each direction. Beyond this project there are no significant planned roadway

improvements at any of the project study intersections and no planned roadway network changes that would significantly change travel patterns in the area.

TABLE 2
EXISTING INTERSECTION LEVEL OF SERVICE CONDITIONS-HCM METHODOLOGY

INTERSECTION		CONTROL	PEAK HOUR	EXISTING	
				DELAY (sec/veh)	LOS
1	W CALAVERAS BLVD & ABEL ST	Traffic Signal	AM	35.4	D
			PM	59.7	E
2	E CALAVERAS BLVD & MILPITAS BLVD	Traffic Signal	AM	53.7	D
			PM	49.0	D
3	E CALAVERAS BLVD & TOWN CENTER DR	Traffic Signal	AM	5.1	A
			PM	6.4	A
4	E CALAVERAS BLVD & HILLVIEW DR	Traffic Signal	AM	27.1	C
			PM	34.6	C
5	S MILPITAS BLVD & LOS COCHES ST	Traffic Signal	AM	11.9	B
			PM	15.5	B
6	S MILPITAS BLVD & TURQUOISE ST	Traffic Signal	AM	3.2	A
			PM	4.8	A

SOURCE: Abrams Associates, 2012
NOTES: Intersection Delay is presented in terms of seconds per vehicle.

Pedestrian and Bicycle Facilities

Pedestrian and bicycle activity is relatively light in the immediate vicinity of the project site. Sidewalks are provided in most areas and it should be noted that the sidewalks would be completed along the frontage of the site as part of the proposed project. Bicycle lanes are provided on Milpitas Boulevard in the vicinity of the project site.

Transit Service

The Santa Clara Valley Transportation Authority - The Santa Clara Valley Transportation Authority (VTA) operates bus and light rail service in Santa Clara County. The Montague light rail station is located on the southeast side of the study area and is elevated above Capitol Avenue. VTA bus routes 46, 47, 66, 70, 71, 77, 104, 180, and 321, as well as AC Transit route 217, provide bus service within the project study area. The Altamont Commuter Express (ACE) Violet Shuttle (Route 831) also provides service within the project study area.

Bay Area Rapid Transit (BART) – BART is a rapid transit system which provides regional transportation connections to much of the Bay Area. It runs from the North Bay Area in Richmond to the South Bay Area in Fremont. In the east-west direction it runs from Pittsburg to the San Francisco Airport and Milbrae with several connections in Oakland. VTA bus service provides a connection to the Fremont BART station which provides regional access to San Francisco with several stops in Oakland where connections may be made to other lines.

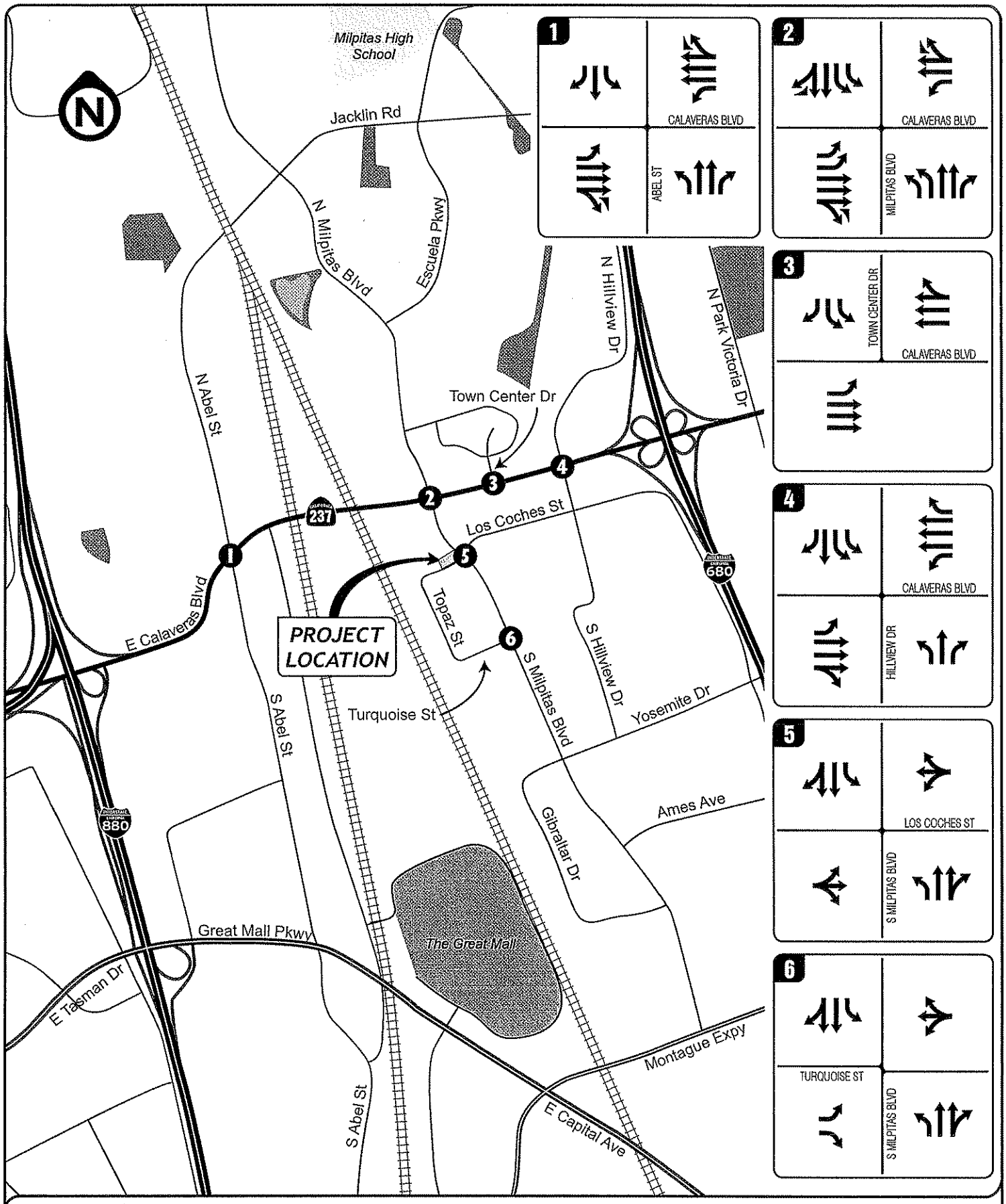

FIGURE 3 | EXISTING LANE CONFIGURATION

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375 Los Coches Residential Project

City of Milpitas

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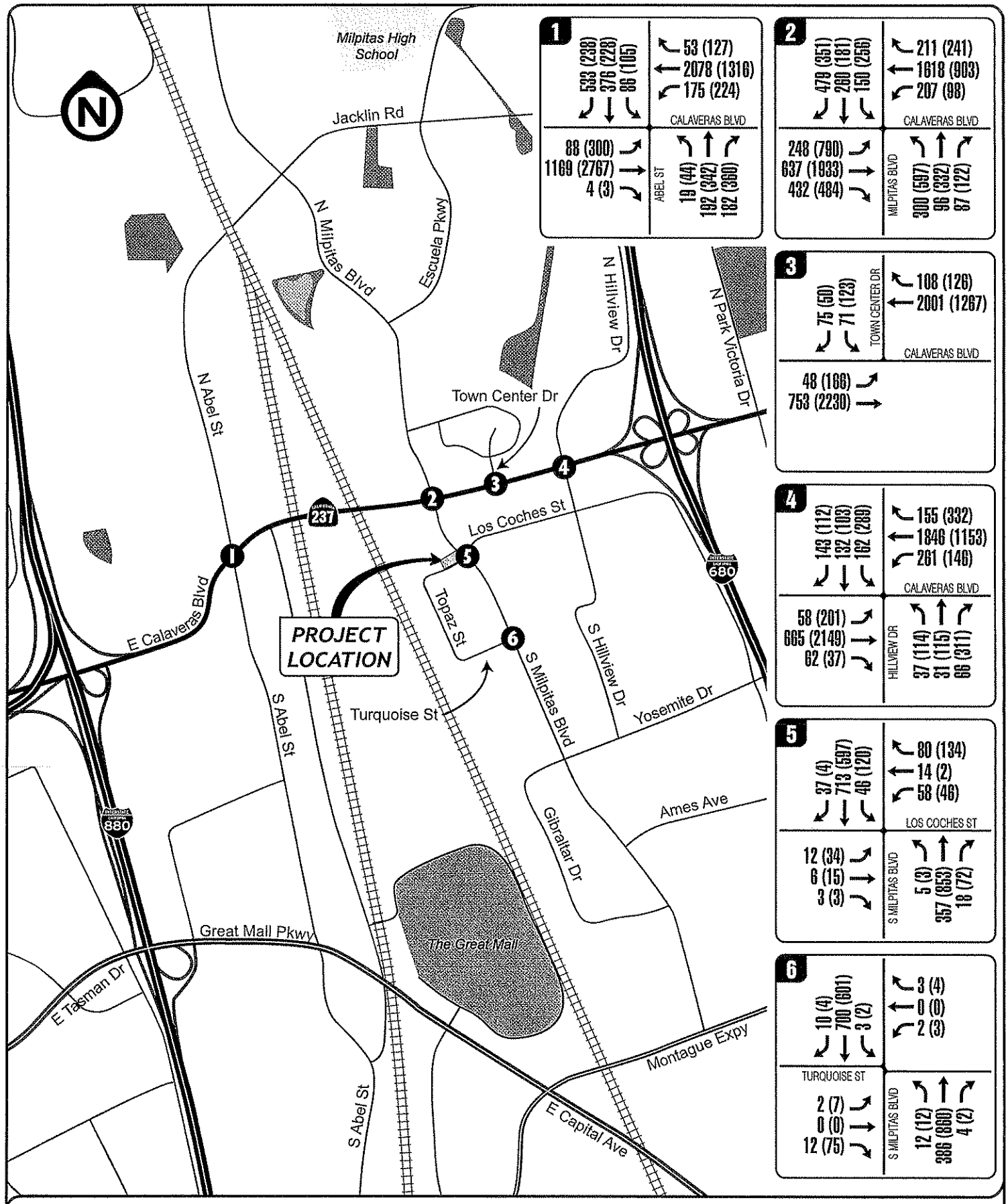

FIGURE 4 | EXISTING AM(PM) PEAK HOUR VOLUMES

TRAFFIC IMPACT STUDY

375 Los Coches Residential Project

City of Milpitas

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3) REGULATORY FRAMEWORK

Significance Criteria

Signalized Intersections - Project-related operational impacts on signalized intersections are considered significant if project-related traffic causes the Level of Service (LOS) rating to deteriorate from LOS D or better to LOS E or F on any City of Milpitas Roadways. The only exception are Congestion Management Plan (CMP) roadways such as Calaveras Boulevard where LOS E is permissible.

According to CEQA guidelines, a project would have a significant impact if it would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards, and travel demand measures, or other standards established by a county congestion management agency for designated roads or highways.
- Result in inadequate emergency vehicle access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- Result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition.
- Result in an internal circulation system design that does not meet City standards.

4) IMPACTS AND MITIGATION MEASURES

Project Trip Generation

The proposed project will consist of 33 single family detached homes. The project would be constructed on a lot that is currently vacant. The trip generation calculations are shown in **Table 3**. They are based on the trip generation rates for Single Family Detached Housing (Land Use Code 210) from ITE's Trip Generation (8th Edition). Please note that the fitted curve equations provided by ITE were used to develop the project trip rates. The resulting rates were slightly higher than the weighted average rates. The resulting trip rates used in the analysis were as follows: the AM Peak hour rate was 1.0 trips per unit, the PM peak hour rate was 1.17 trips per unit, and daily rate was 11.4 trips per unit.

Table 3
Trip Generation Calculations

Land Use	ITE Code	Size	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Single Family Detached Housing	210	33 units	375	8	25	33	25	14	39

The trips from the project reflect all vehicle trips that would be counted at the project driveway on Los Coches Drive, both inbound and outbound. Since this project would be all residential there were no adjustments applied to account for pass-by or internal trips. The project is forecast to generate a total of 33 new vehicle trips during the AM peak hour and about 39 new trips during the PM peak hour.

The site traffic is all assumed to use the main project entrance driveway on Los Coches Drive. For purposes of determining the reasonable worst-case impacts of traffic on the surrounding street network from a proposed project, the trips generated by this proposed development are estimated for the peak commute hours of 8:00 to 9:00 a.m. and 5:00 to 6:00 p.m. This represents the peak hours of "*adjacent street traffic*" during the time periods when the uses generally contribute to the greatest amount of congestion.

Project Trip Distribution

The trip distribution assumptions have been based on the project's proximity to freeway interchanges, the existing directional split at other local driveways and intersections, and the overall land use patterns in the area. **Figure 5** presents the trip distribution percentages used in the analysis and the AM and PM peak hour trips generated by the proposed project at each study area intersection.

Existing *Plus Project* Intersection Capacity Conditions

The existing plus proposed project traffic forecasts were developed by adding project-related traffic to the existing traffic volumes. **Figure 6** presents the Existing Plus Project traffic volumes that were used in the analysis. **Table 5** also summarizes the LOS results for the Baseline Plus Project weekday AM and PM peak hour conditions (the corresponding LOS analysis calculation sheets are presented in the *Traffic Analysis Appendix*).

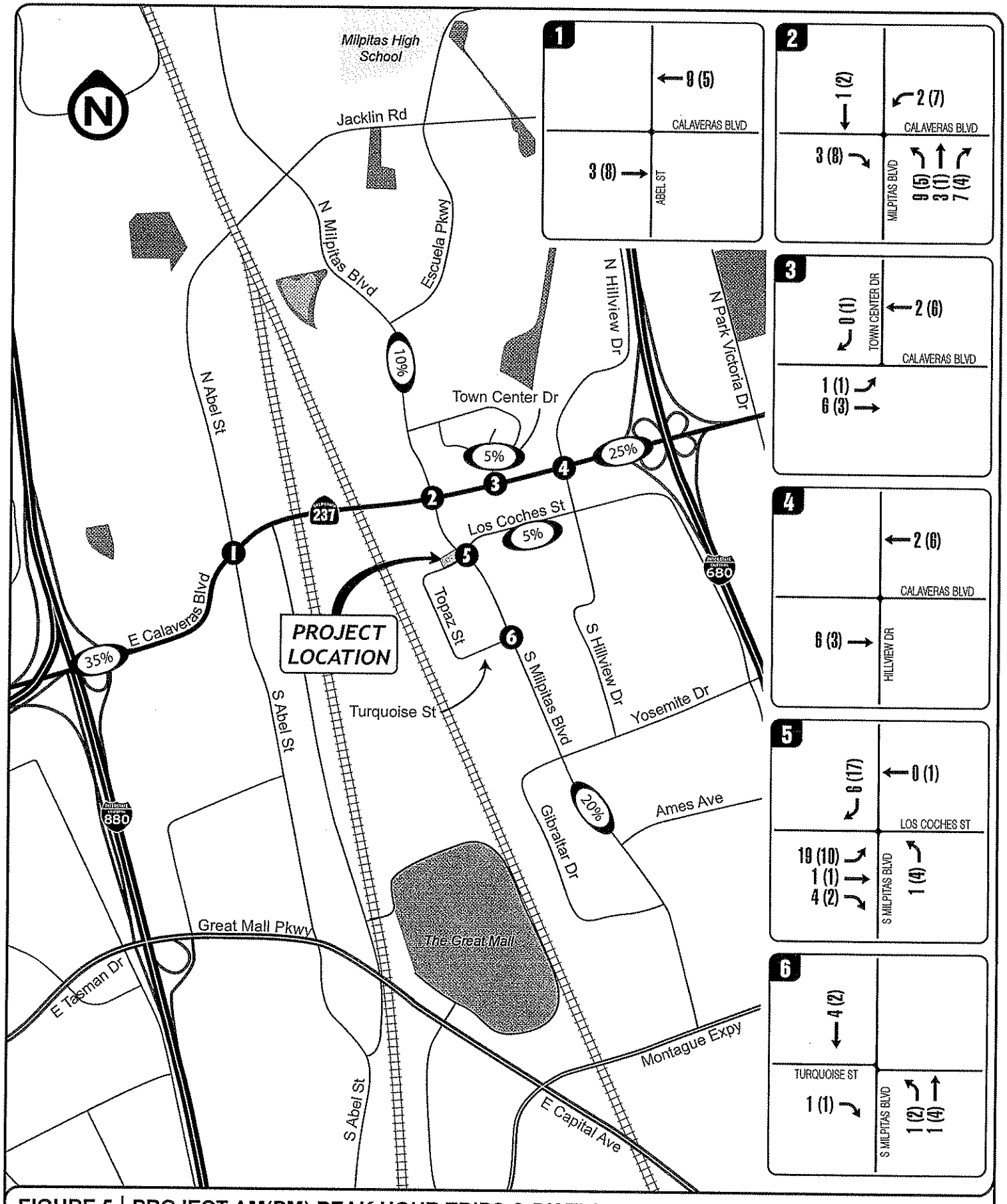

FIGURE 5 | PROJECT AM(PM) PEAK HOUR TRIPS & DISTRIBUTION

TRAFFIC IMPACT STUDY

375 Los Coches Residential Project

City of Milpitas

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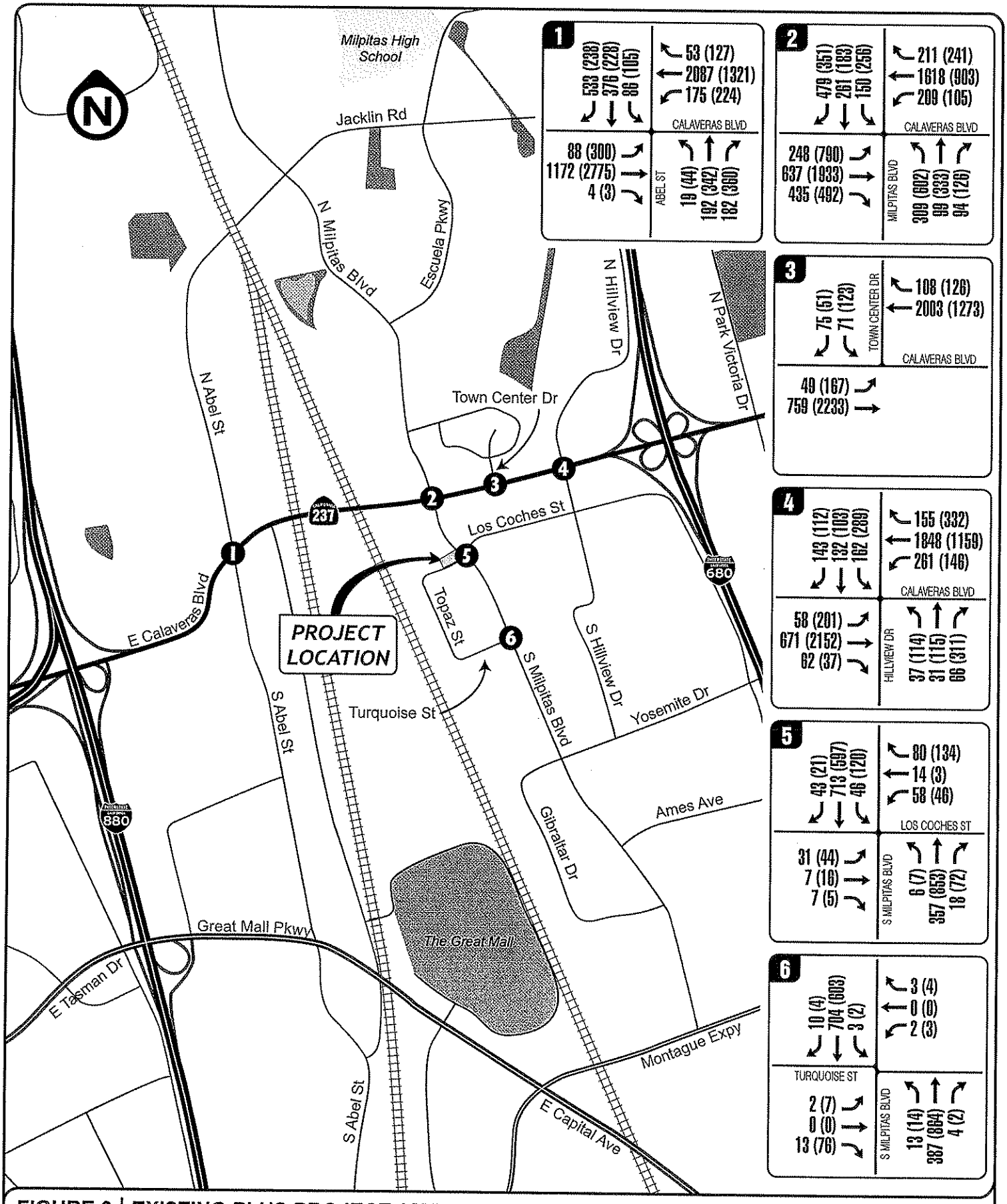

FIGURE 6 | EXISTING PLUS PROJECT AM(PM) PEAK HOUR VOLUMES

TRAFFIC IMPACT STUDY

375 Los Coches Residential Project

City of Milpitas

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As shown in Table 5, under Existing Plus Project conditions all of the project study intersections would continue to have similar LOS results as Existing Conditions. All of the study intersections would have acceptable conditions (based on applicable standards) during the AM and PM peak hours.

TABLE 5
EXISTING INTERSECTION LEVEL OF SERVICE CONDITIONS-HCM METHODOLOGY

INTERSECTION		CONTROL	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT	
				DELAY (sec/veh)	LOS	DELAY sec/veh)	LOS
1	W CALAVERAS BLVD & ABEL ST	Traffic Signal	AM	35.4	D	35.5	D
			PM	59.7	E	60.1	E
2	E CALAVERAS BLVD & MILPITAS BLVD	Traffic Signal	AM	53.7	D	54.4	D
			PM	49.0	D	49.4	D
3	E CALAVERAS BLVD & TOWN CENTER DR	Traffic Signal	AM	5.1	A	5.2	A
			PM	6.4	A	6.4	A
4	E CALAVERAS BLVD & HILLVIEW DR	Traffic Signal	AM	27.1	C	27.1	C
			PM	34.6	C	34.7	C
5	S MILPITAS BLVD & LOS COCHES ST	Traffic Signal	AM	11.9	B	12.3	B
			PM	15.5	B	15.7	B
6	S MILPITAS BLVD & TURQUOISE ST	Traffic Signal	AM	3.2	A	3.3	A
			PM	4.8	A	4.9	A

SOURCE: Abrams Associates, 2012

NOTES: Intersection Delay is presented in terms of seconds per vehicle

Baseline Intersection Capacity Conditions

The Baseline scenario evaluates the existing conditions with the addition of traffic from reasonably foreseeable projects in the area. In addition, a general short-term growth in traffic was assumed based on the assumption that the project completion date would be 2014. This scenario includes all reasonably foreseeable projects that would significantly affect volumes in the project study area.

Approved projects in the area include 732 approved apartment units at 1200 Piper Drive (Citation), 303 approved apartment units at Milpitas Boulevard and the Montague Expressway (Milpitas Station), 80 approved single family dwellings on Sinclair Road (Sinclair Renaissance), 83 approved single family dwellings at 905-980 Los Coches Street (Robson Single Family), 375 approved apartment units and 148,805 square feet of approved commercial space at 600 Barber Lane (Landmark Tower), 366 approved apartment units at 1102 Abel Street (Centria West), and 204 approved apartment units at 1201 South Main Street (SD11-0011). To account for the baseline growth for this analysis (and a general background traffic increase to 2014) a 6 percent increase was applied to the existing traffic volumes. **Figure 7** presents the baseline volumes at the project study intersections.

Table 6 summarizes the associated LOS computation results for the Baseline and Baseline Plus Project weekday AM and PM peak hour conditions (the corresponding LOS analysis calculation sheets are presented in the *Traffic Analysis Appendix*). As shown in **Table 6**, during both peak hours under Baseline conditions all intersections would continue to have acceptable conditions (based on applicable standards) during the AM and PM peak hours.

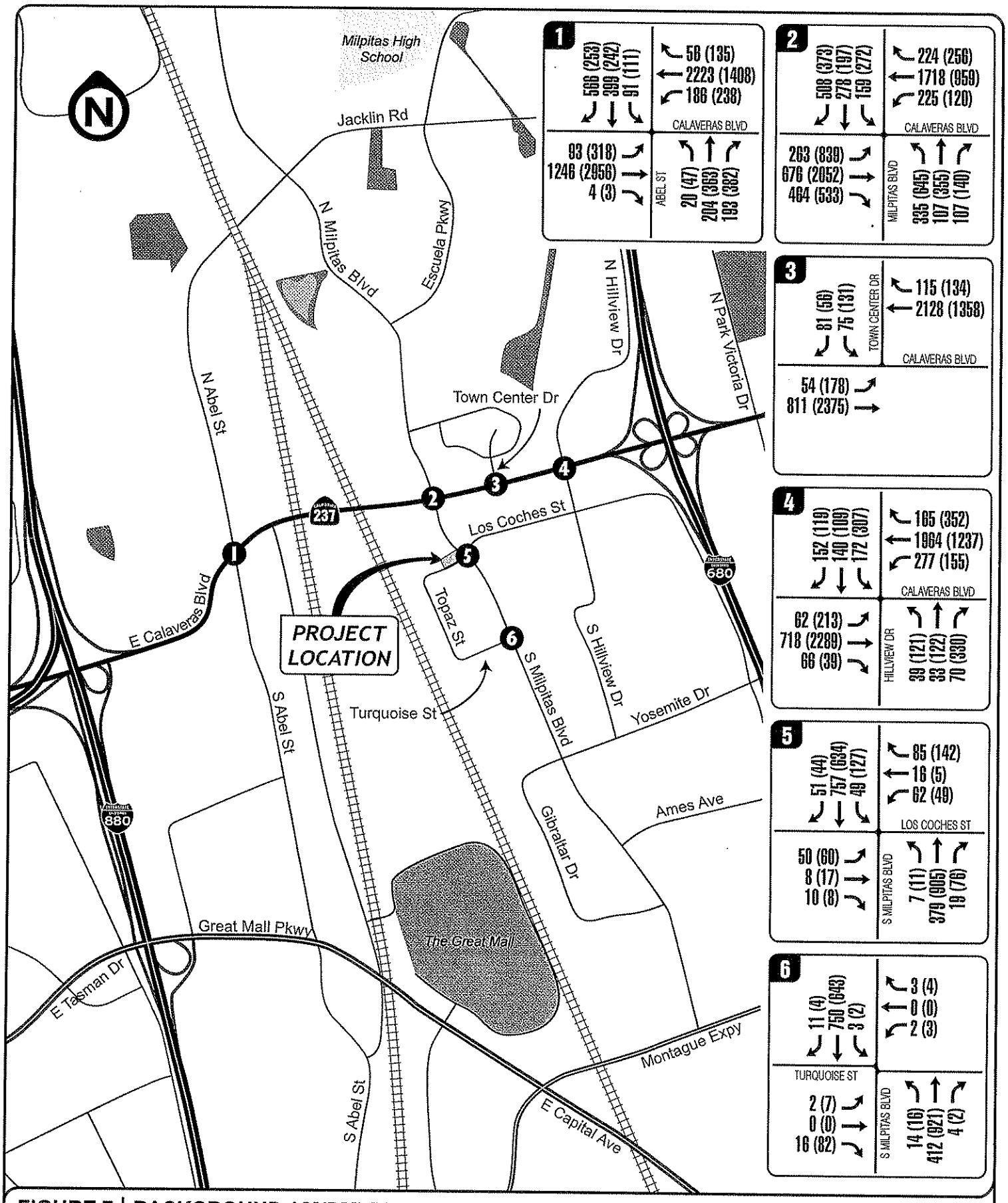

FIGURE 7 | BACKGROUND AM(PM) PEAK HOUR VOLUMES
TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
City of Milpitas

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Baseline *Plus Project* Intersection Capacity Conditions

The Baseline plus proposed project traffic forecasts were developed by adding project-related traffic to the Baseline traffic volumes. **Figure 8** presents the Baseline Plus Project traffic volumes that were used in the analysis. **Table 6** also summarizes the LOS results for the Baseline Plus Project weekday AM and PM peak hour conditions (the corresponding LOS analysis calculation sheets are presented in the *Traffic Analysis Appendix*). As shown in Table 6, under Baseline Plus Project conditions all of the project study intersections would continue to have similar LOS results as the Baseline Conditions. All of the study intersections would have acceptable conditions (according to applicable standards) during the AM and PM peak.

TABLE 6
BASELINE INTERSECTION LEVEL OF SERVICE CONDITIONS-HCM METHODOLOGY

INTERSECTION		CONTROL	PEAK HOUR	BACKGROUND		BACKGROUND PLUS PROJECT	
				DELAY (sec/veh)	LOS	DELAY sec/veh)	LOS
1	W CALAVERAS BLVD & ABEL ST	Traffic Signal	AM	53.5	D	53.9	D
			PM	71.4	E	71.9	E
2	E CALAVERAS BLVD & MILPITAS BLVD	Traffic Signal	AM	76.2	E	77.0	E
			PM	57.8	E	58.6	E
3	E CALAVERAS BLVD & TOWN CENTER DR	Traffic Signal	AM	6.1	A	6.1	A
			PM	6.9	A	7.0	A
4	E CALAVERAS BLVD & HILLVIEW DR	Traffic Signal	AM	26.7	C	26.8	C
			PM	38.3	D	38.4	D
5	S MILPITAS BLVD & LOS COCHES ST	Traffic Signal	AM	12.4	B	12.9	B
			PM	15.9	B	16.4	B
6	S MILPITAS BLVD & TURQUOISE ST	Traffic Signal	AM	2.8	A	2.9	A
			PM	4.9	A	5.0	A

SOURCE: Abrams Associates, 2012

NOTES: Intersection Delay is presented in terms of seconds per vehicle

Internal Circulation and Access

No internal site circulation or access issues have been identified that would cause a traffic safety problem or any unusual traffic congestion or delay. It should be noted that the volumes on the internal roadways would be light enough so that no significant conflicts would be expected with through traffic and vehicles backing out of the garages and/or parking spaces within the project. At the main project entrance on Los Coches Street the project's side street approach should be controlled with a stop sign.

Parking

The City's Parking Ordinance requires 2.0 spaces per unit for residential unit with 3 or less bedrooms (the project would not include any units with 4 or more bedrooms) plus another 20% of the total required for guest parking (7 spaces). The project is currently proposing to meet the City's parking requirement by two garage parking spaces per unit and 9 guest parking. Based on our review of the proposed parking plan and a qualitative review of on-street parking occupancy levels in the area there should be no significant impacts to the surrounding properties.

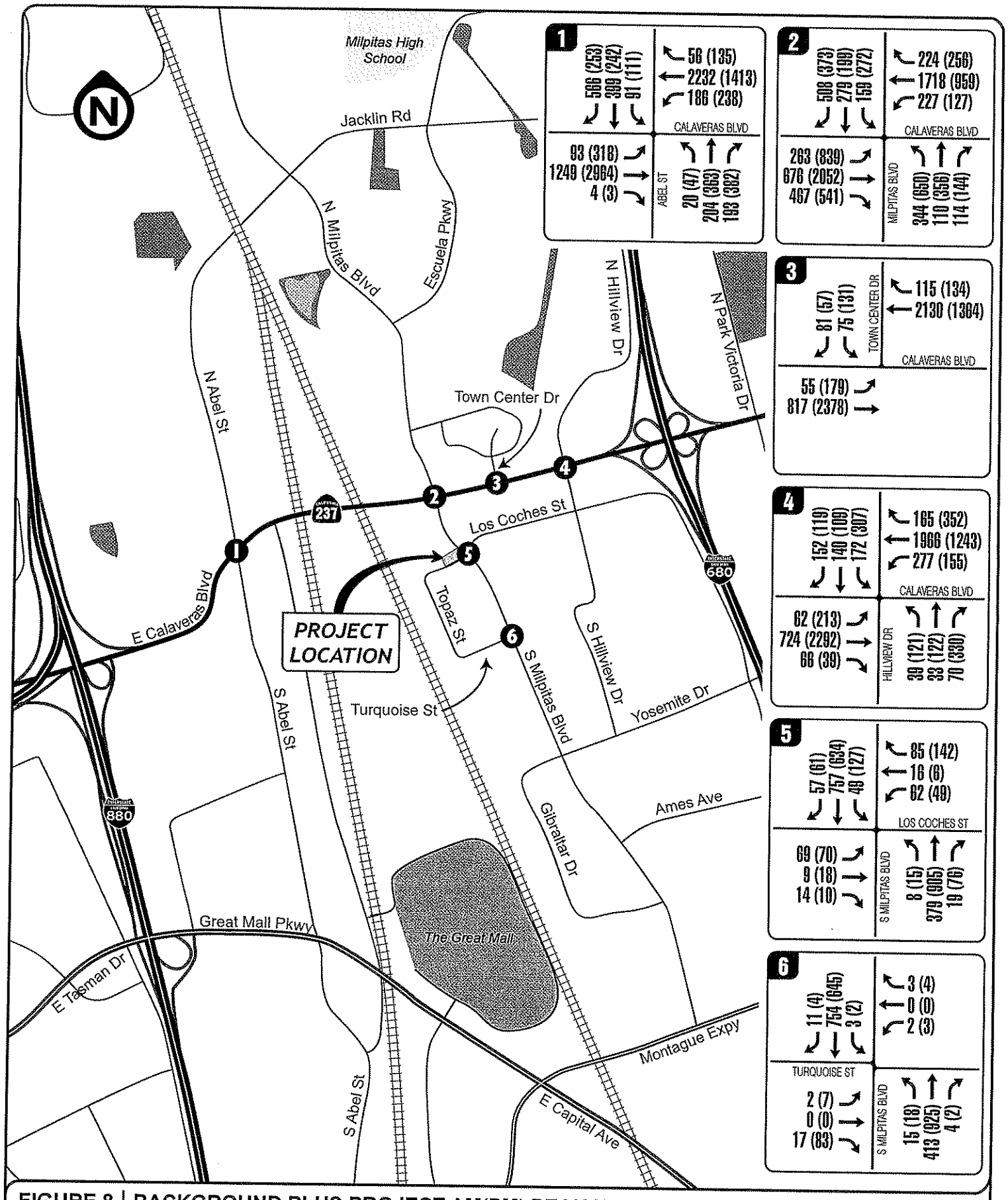

FIGURE 8 | BACKGROUND PLUS PROJECT AM(PM) PEAK HOUR VOLUMES

TRAFFIC IMPACT STUDY

375 Los Coches Residential Project

City of Milpitas

Abrams Associates
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5) Conclusions

Based on this analysis the proposed project would not cause any intersections or roadways in the area to exceed established standards and would not create any safety problems. The highest peak hour trip generation at the project driveways would be about 39 vehicles during the PM peak hour. The addition of the recommended stop sign at the project exit would ensure there would continue to be safe and efficient traffic operations in the area. The project would not result in any significant traffic capacity or safety impacts and no off-site traffic mitigations would be required.

Existing Plus Project Conditions

Based on the analysis of existing plus project traffic operations with the addition of project traffic all signalized intersections would continue to operate at acceptable levels-of-service based on City and County standards. All of the project study intersections would continue to have similar LOS results as the Existing Conditions and no off-site mitigations would be required. All of the study intersections would continue to have acceptable conditions (according to applicable standards) during the AM and PM peak hours.

Baseline Plus Project Conditions

Based on the analysis of baseline plus project traffic operations with the addition of project traffic all project study intersections would continue to operate at acceptable levels-of-service based on City and County standards. All of the project study intersections would continue to have similar LOS results as the Baseline Conditions and no off-site mitigations would be required. All of the study intersections would continue to have acceptable conditions (according to applicable standards) during the AM and PM peak hours.

Bicycle and Pedestrian Impacts

Based on this analysis, the proposed project would not significantly impact any bicycle or pedestrian facilities, including bike lanes, routes, or paths.

Internal Circulation and Access

No internal site circulation or access issues have been identified that would cause a traffic safety problem or any unusual traffic congestion or delay. At the main project entrance on Los Coches Street the project's side street approach should be controlled with a stop sign.

Parking

The City's Parking Ordinance requires 2.0 spaces per unit for residential unit with 3 or less bedrooms (the project would not include any units with 4 or more bedrooms) plus another 20% of the total required for guest parking (7 spaces). The project is currently proposing to meet the City's parking requirement by two garage parking spaces per unit and 9 guest parking. Based on our review of the proposed parking plan and a qualitative review of on-street parking occupancy levels in the area there should be no significant impacts to the surrounding properties.

J

FORTY TWO LOT TOWNHOME DEVELOPMENT
345& 375 LOS COCHES STREET
ENVIRONMENTAL NOISE ASSESSMENT
MILPITAS, CALIFORNIA

December 18, 2012

♦ ♦ ♦

Prepared for:

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Job No.: 12-xxx

INTRODUCTION

The subject project proposes the development of 42 single-family townhomes on the property located generally northwest corner of Los Coches St. and South Milpitas Boulevard at 345 and 375 Los Coches Street. Issues related to noise associated with this project include the compatibility of the proposed residential land uses with the noise environment at the site resulting from vehicular traffic on nearby roadways and noise generated by commercial and light industrial uses in the vicinity. This assessment, provides a discussion of policies and standards applicable to the project, presents the results of noise measurements conducted in the site vicinity, and provides an evaluation of the potential significance of impacts resulting from the project. Conceptual mitigation measures are presented to reduce potentially significant noise impacts to less-than-significant levels. Persons not familiar with environmental noise and vibration analysis are referred to Appendix A (noise) for additional discussion.

REGULATORY BACKGROUND

NOISE

The City of Milpitas has established guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses.

City of Milpitas General Plan Noise Element

The of City of Milpitas General Plan Noise Element sets forth implementing policies to guide the development of residential and commercial land uses. The following implementing policies would be applicable in the residential use of the project site:

6-I-1 Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) as review criteria for development projects.

6-I-2 Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.

6-I-3 Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.

6-I-4 Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

6-I-5 All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dBA L_{dn} or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dBA L_{dn} interior noise levels.

6-I-15 Promote installations of noise barriers along highways and the railroad corridor where substantial land uses of high sensitivity are impacted by unacceptable noise levels.

Table 6-1 in the General Plan establishes the noise land use compatibility standards for different proposed land uses. For single-family residential land use, up to 60 dBA L_{dn} is considered normally acceptable, up to 70 dBA L_{dn} is considered conditionally acceptable, and above 70 dBA L_{dn} is considered normally unacceptable, such that a detailed analysis of noise reduction requirements must be made and noise insulation features included in the design.

EXISTING NOISE ENVIRONMENT

The project site is located northwest corner of Los Coches St. and South Milpitas Boulevard at 345 and 375 Los Coches Street. The noise environment on the site primarily consists of sounds produced vehicular traffic on Milpitas Boulevard, adjacent industrial uses, vehicles circulating in adjacent parking lots, and occasional aircraft over-flights. Noise surveys have been conducted in the site vicinity both in 2007 and in 2012. The 2007 measurement (LT-1) was conducted on the northern property line over a continuous 24-hour period between November 13th and 14th, 2007, and the 2012 measurement (LT-2) was conducted in the central portion of the parking lot north of the property over a continuous 48-hour period between May 15th and May 17th, 2012. All noise measurements where conducted with Larson Davis Laboratories (LDL) Type I Model 820 Sound Level Meter fitted with a ½-inch pre-polarized condenser microphone and windscreen. Measurement Location LT-1 was made in a tree at approximately 330 feet from the center of Milpitas Boulevard, and Measurement LT-2 was made on a light standard at approximately 300 feet from the center of Milpitas Boulevard. The location of these measurements relative to the project site and Milpitas Blvd. are shown in Figure 1, below.

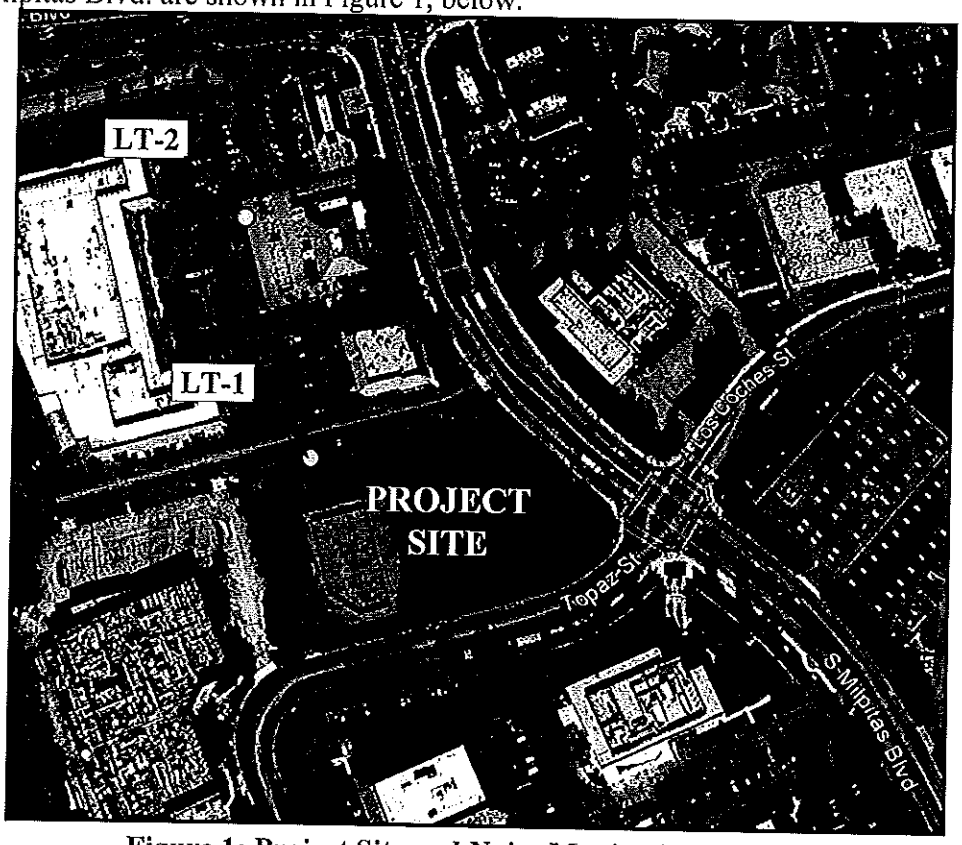
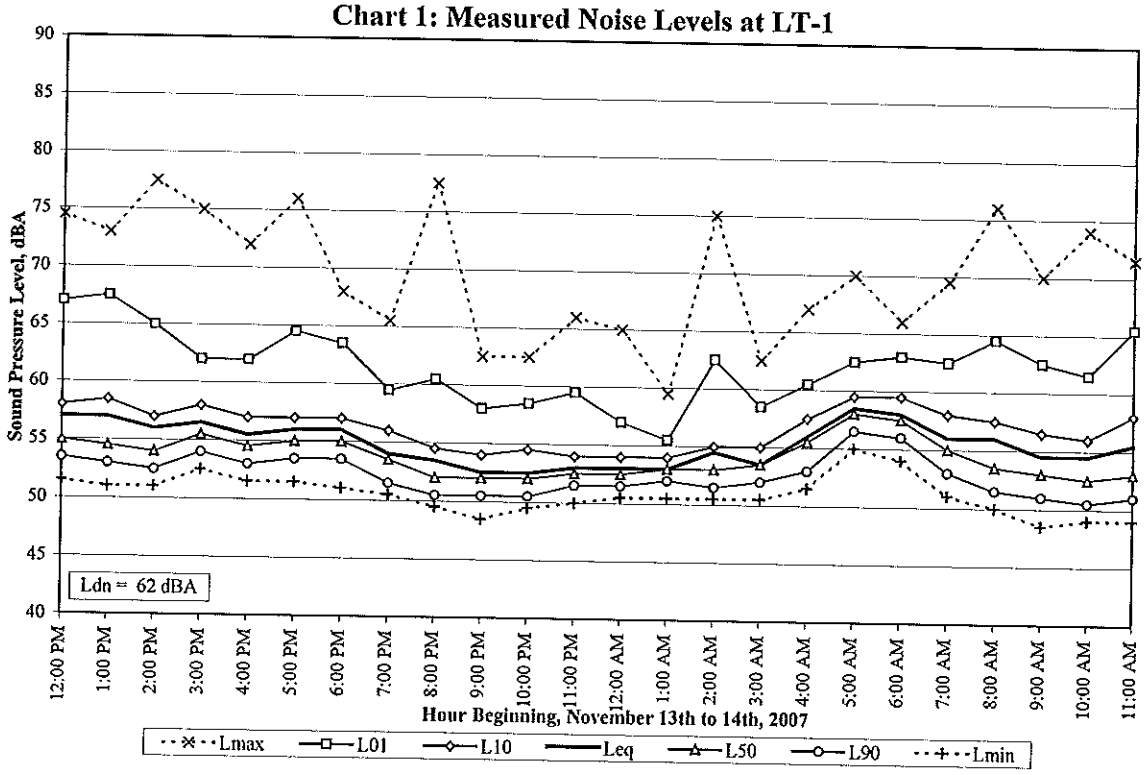


Figure 1: Project Site and Noise Monitoring Locations

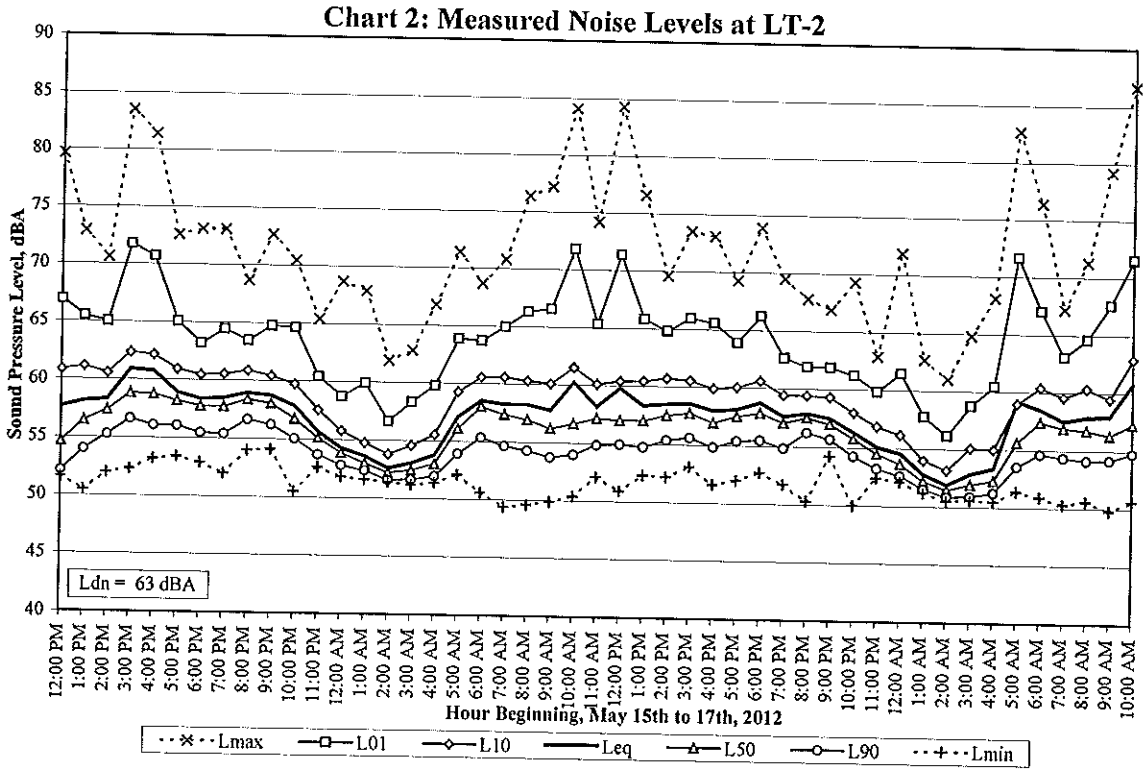
The measured noise levels in 2007 at site LT-1, including the energy equivalent noise level (L_{eq}), maximum (L_{max}), minimum (L_{min}), and the noise levels exceeded 10, 50 and 90 percent of the time (indicated as L_{10}, L_{50} and L_{90}) are shown on Chart 1. The very steady nature of the measured noise and the tight statistical distribution shown in Chart 1 reflects the effects of the steady mechanical equipment noise from the adjacent industrial use. This machinery generated a very steady noise level ranging from 51-55 dBA. The L_{eq} noise level is typically considered the average noise level, while the L_1 is considered the intrusive level, the L_{50} is considered the median noise level and the L_{90} is considered the background or ambient noise level. The average daytime noise levels at this location ranged from 55 to 57 dBA L_{eq} and the average hourly nighttime noise levels ranged from 52 to 58 dBA L_{eq}. Elevated noise levels, from 74 to 78 dBA, also occurred at this site during both daytime, late night and early morning

periods. The Day/Night Average Noise Level (L_{dn}) over the measurement period at LT-1 was calculated to be 62 dBA.



The measured noise levels in 2012 at site LT-2, including the energy equivalent noise level (L_{eq}), maximum (L_{max}), minimum (L_{min}), and the noise levels exceeded 10, 50 and 90 percent of the time (indicated as L_{10}, L_{50} and L_{90}) are shown on Chart 2. A review of Chart 2 indicates that the noise levels at site LT-2 followed a somewhat subdued diurnal pattern characteristic of traffic noise, where the average daytime noise levels ranging from 58 to 61 dBA L_{eq} and the average hourly nighttime noise levels ranging from 52 to 59 dBA L_{eq}. The Day/Night Average Noise Level (L_{dn}) over the two-day measurement period at LT-1 was calculated to be 63 dBA. Due to the somewhat subdued diurnal pattern, where nighttime levels did not drop to far below daytime levels, the area noise environment appears to be influenced by mechanical equipment noise from the adjacent commercial and industrial uses. Elevated noise levels, from 76 to 86 dBA, also occurred at this site during both daytime, and early morning periods. These elevated levels are judged to be due to noise produced by vehicles and trucks in the parking lot adjacent to the monitoring position.

Noise measurements in closer proximity to S. Milpitas Blvd. were not conducted for this study, however, based on an application of the typical acoustical attenuation/propagation factor of 3 dBA per doubling (or halving) of the distance from a traffic noise source, the L_{dn} noise levels at the closest residential facades to this roadway (approximately 60 to 65 feet from the centerline) would be between 69 and 70 dBA L_{dn}.



FUTURE CONDITIONS

The future exterior noise environment across the project site would continue to result primarily from traffic along South Milpitas Blvd. Based on a review of existing versus future traffic volumes on these roadways as allowable under the build-out of the City's General Plan, future noise levels along S. Milpitas Blvd are expected to increase by 2 dBA over current levels by 2030. Therefore, based on future traffic volumes, an L_{dn} of between 71 to 72 dBA would characterize noise levels at the residential facades adjacent to S. Milpitas Blvd.

NOISE ASSESSMENT

Based on the existing and future environmental noise levels presented above, residential lots on the northern edge of the site are expected to be exposed to future L_{dn} levels of between 71 to 72 dBA. Homes further removed from S. Milpitas Blvd. would be exposed to lower noise levels, however, all homes on the perimeter of the site with views of the roadway are expected to be exposed to future L_{dn} levels above 60 dBA. However, noise levels at the interior lots and the interior common area of the site would be reduced by the barrier effect provided by intervening structures such that these areas are expected to be exposed to future L_{dn} noise levels below 60 dBA. Figure 2, below shows the relative noise exposure on the project relative to the site plan.

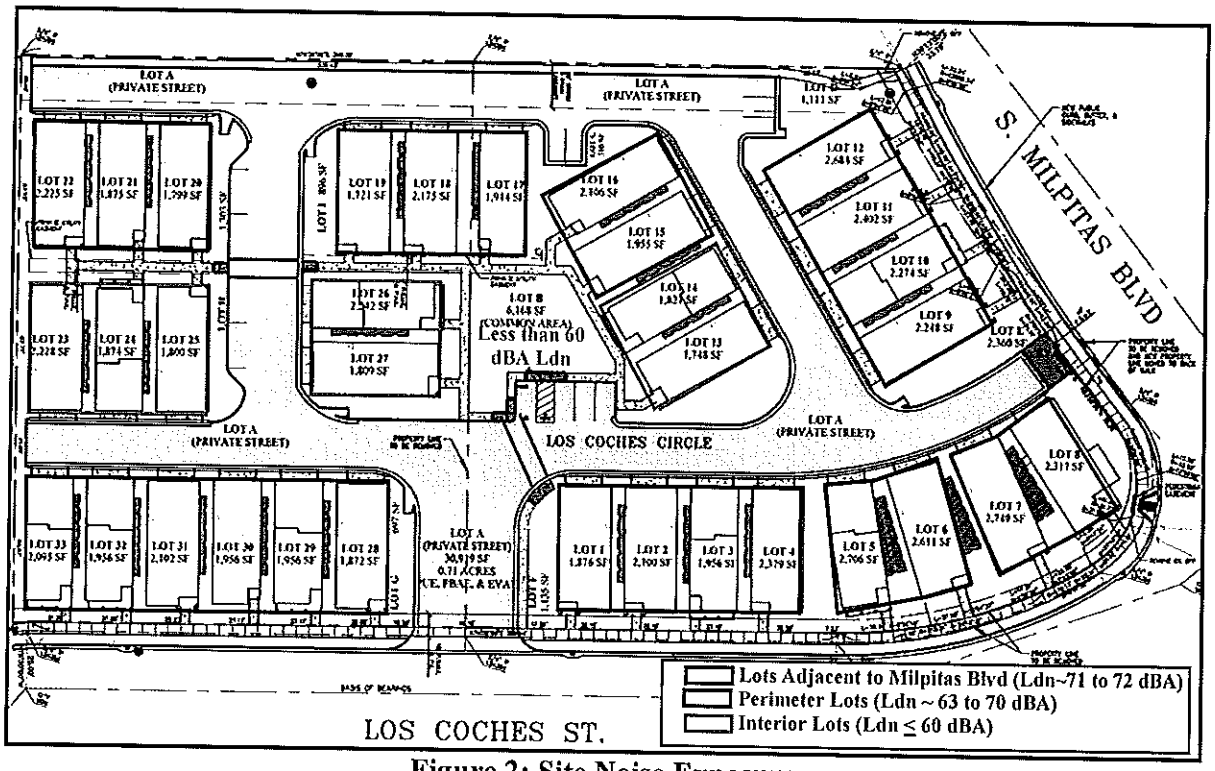


Figure 2: Site Noise Exposure

Based on this finding, the noise environment at lots adjacent to S. Milpitas Blvd. would be exposed to noise levels considered "normally unacceptable" and perimeter lots would be exposed to noise levels considered "normally unacceptable" for residential development by the City's General Plan noise land use compatibility standards. Noise levels at the interior lots and the interior common area of the site would be " normally acceptable" by these standards. A result of this finding is that the common exterior use are of the project site would meet City noise standards, and thus would not require noise mitigation. However, noise levels within the interiors of the homes on the site may exceed the City's interior noise standards.

Typical wood frame construction techniques with standard thermal insulating glass in closed windows will reduce traffic noise levels by between 20 to 25 dBA. When windows open, the traffic noise attenuation from exterior to interior is reduced to between 12 to 15 dBA. Based on this average exterior to interior noise attenuation, interior L_{dn} levels residences in adjacent to S. Milpitas Blvd and on the site perimeter as identified in Figure 2, may exceed the City's 45 dBA L_{dn} interior noise standard with closed standard thermal insulating windows. Interior noise levels in all other homes on the site are expected to be below the City's 45 dBA L_{dn} interior noise standard when standard windows are closed for the purpose of noise control. However, noise levels within all residences may exceed an L_{dn} of 45 dBA with open windows. This is a potentially significant impact, which can be mitigated with the incorporation of Mitigation Measures 1 and 2, following.

Mitigation Measures:

1. **Sound Rated Windows:** Homes on lots adjacent to S. Milpitas Blvd. and on the site perimeter, as identified in Figure 2, will require sound rated windows to meet average (45 dBA L_{dn}) interior noise standards. The needed Sound Transmission Class (STC) ratings of the windows of theses homes are expected to range from 31 to 33 on the lots adjacent to S. Milpitas Blvd., and from 29 to 31 on the identified perimeter lots. However, these rating cannot be defined at this stage in the project design. When building plans and elevations are available for these lots, an acoustical consultant should be retained to determine the needed window STC ratings necessary to achieve the 45 dBA L_{dn} interior noise limits.

2. **Mechanical Ventilation:** All residences on the site perimeter of the will require mechanical ventilation to allow the windows to remain closed at the residents' option as the interior noise standards would not be met with open windows. Typically such a system must meet the following airflow provisions:

   "If interior noise levels are met by requiring that windows remain unopenable or closed, the design of the design for the structure must also specify a ventilation system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit or guest room noise reduction."

   In our experience a standard central air conditioning system or a central heating system equipped with a 'summer switch' which allows the fan to circulate air without furnace operation in each residence requiring mechanical ventilation will provide a habitable interior environment and meet the airflow provisions referenced above.

APPENDIX A:
FUNDAMENTALS OF ENVIRONMENTAL NOISE

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. Decibels and other technical terms are defined in Table A1.

Table A1: Definitions of Acoustical Terms Used in this Report

Term	Definitions
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, Leq	The average A-weighted noise level during the measurement period.
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01}, L_{05}, L_{10}, L_{90}	The A-weighted noise levels that are exceeded 1%, 5%, 10%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Most of the sounds we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with

a weighting that reflects the facts that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the decibel level so measured is called the A-weighted sound level (dBA). In practice, the level of a sound source is conveniently measured using a sound level meter that includes an electrical filter corresponding to the A-weighting curve. Typical A-weighted levels measured in the environment and in industry are shown in Table A2 for different types of noise.

Table A2: Typical Noise Levels in the Environment

Common Outdoor Noise Source	Noise Level (dBA)	Common Indoor Noise Source
	120 dBA	
Jet fly-over at 300 meters		Rock concert
	110 dBA	
Pile driver at 20 meters	100 dBA	
		Night club with live music
	90 dBA	
Large truck pass by at 15 meters		
	80 dBA	Noisy restaurant
		Garbage disposal at 1 meter
Gas lawn mower at 30 meters	70 dBA	Vacuum cleaner at 3 meters
Commercial/Urban area daytime		Normal speech at 1 meter
Suburban expressway at 90 meters	60 dBA	
Suburban daytime		Active office environment
	50 dBA	
Urban area nighttime		Quiet office environment
	40 dBA	
Suburban nighttime		
Quiet rural areas	30 dBA	Library
		Quiet bedroom at night
Wilderness area	20 dBA	
Most quiet remote areas	10 dBA	Quiet recording studio
Threshold of human hearing	0 dBA	Threshold of human hearing

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources, which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during 1%, 10%, 50%, and 90% of a stated time period. A single number descriptor called the L_{eq} is also widely used. The L_{eq} is the average A-weighted noise level during a stated period of time.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night and exterior noise becomes very noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, L_{dn} (average day/night sound level), was developed. The L_{dn} divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level. .

Sleep and Speech Interference: The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity; above 35 dBA, and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn}. Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance: Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA L_{dn}. At an L_{dn} of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about 1 percent per dBA between an L_{dn} of 60-70 dBA. Between an L_{dn} of 70-80 dBA, each decibel increase increases by about 2 percent the percentage of the population highly annoyed.

ENVIRON

November 13, 2012

Via Electronic Mail

Mr. Doyle Heaton
President and CEO
DRG Builders, Inc.
3480 Buskirk Avenue, Suite 260
Pleasant Hill, CA 94523
doyle@drgbuilders.com

Re: Risk Assessment Plan for the Residential Development at 375 Los Coches and 359 Topaz Streets, Milpitas, California

Dear Mr. Heaton:

ENVIRON International Corporation (ENVIRON) has prepared this Risk Assessment Plan (RAP) for the proposed Residential Development at 375 Los Coches and 359 Topaz Streets, Milpitas, Santa Clara County, California (herein designated as the "Project" or "Site"). The RAP evaluates "the potential health and safety risks to individuals from the exposure to hazardous materials which may occur at the proposed site due to its location in an industrial zone," as described in the Milpitas Fire Department (MFD) *Guideline for Preparation of Risk Assessments*[1]. The focus of the RAP is on neighboring businesses that may store chemicals which could have off-site consequences if catastrophically released, including chemicals that are acutely toxic, exist in a form that readily allows off-site transport after release and are used or stored in sufficient quantities to cause off-site impacts.

Four of the seven surrounding industrial businesses may impact the Site, as discussed below. The seven neighboring industrial business were identified with the assistance of Mr. Albert Zamora, the Division Chief and Fire Marshal of the City of Milpitas. The industrial businesses have submitted Risk Management Plans (RMPs) under the California Accidental Release Prevention (CalARP) Program or have submitted Hazardous Material Business Plans (HMBPs) that indicate large or medium chemical use, as characterized by the City of Milpitas, including use of toxic gases under the City of Milpitas Toxic Gas Ordinance (TGO).

The United States Environmental Protection Agency (USEPA) Risk Management Program Guidance for Offsite Consequence Analysis[2] ("USEPA RMP Guidance") methodology was used to evaluate potential impacts at the Site. Potential release impacts were compared to the USEPA Immediately Dangerous to Life and Health (IDLH) concentration, 1/10 IDLH concentration, and USEPA Risk Management Plan (RMP) and CalARP toxic endpoint (TEP) concentration.

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[1] Milpitas Fire Department Bureau of Fire Prevention. 2007. *Guideline for Preparation of Risk Assessments*. September. Available online at http://www.ci.milpitas.ca.gov/_pdfs/fire_risk_assessment_guidelines.pdf.

[2] USEPA. 2009. *Risk Management Program Guidance for Offsite Consequence Analysis*. EPA 550-B-99-099. March. Available online at http://www.epa.gov/osweroe1/docs/chem/oca-chps.pdf.

Summary of Proposed Project

The proposed Project, located at the corner of S. Milpitas Boulevard and Los Coches Street, is a 33-unit residential development. The Site is north of Los Coches Street and to the West of S. Milpitas Boulevard, which is a major thoroughfare, and south of Calaveras Boulevard (Highway 237). To the west of the Site are railroad tracks. The Site, which covers 2.66 acres, is zoned for Town Center[3]. Figure 1 shows the location of the proposed Project. In addition to residences, the Site features open space that may be used for recreation. Sensitive receptors such as children or the elderly may reside at the Project.

Primary Land Use in Area of Project

The proposed Project is located within a mixed-use commercial and industrial area. One high-tech manufacturing and research and development (R&D) facility, Nanogram, is within one-quarter mile of the Project. Several similar facilities, such as Headway Technologies, Linear Technology, and Magic Technologies, are within one-half mile of the Project. Calaveras Boulevard is located north of the site. North of Calaveras Boulevard is some commercial properties and residences.

Seven businesses in the vicinity of the Project were identified, with the assistance of Mr. Albert Zamora, the Division Chief and Fire Marshal of the City of Milpitas, based on either their historical hazardous material incidents or their having the potential to release hazardous chemicals[4]. The businesses are

1. Linear Technology, 275 S. Hillview Dr.
2. Headway Technologies, 497 S. Hillview Dr.
3. Nanogram, 165 Topaz St.
4. Magic Technologies, 463 S. Milpitas Blvd.
5. System Services of America, Inc., 1029 Montague Expressway
6. Siemens Water Technologies, 960 Ames Ave.
7. T. Marzetti, 876 Yosemite Dr.

Figure 2 shows the location of each of these seven facilities with respect to the Project.

Table 1 lists the distance between each business and the Project, the chemicals of concern at each business, and the maximum amount stored at any one time. The chemicals of concern are those that are acutely toxic, exist in a form that readily allows off-site transport after release, or are used or stored in sufficient quantities to have off-site consequences if catastrophically released. The list includes chemicals with CalARP thresholds and USEPA TEPs.

Evaluation of Risk

An off-site consequence analysis was performed for each of the seven facilities identified as having the potential to release chemicals of concern. The off-site consequence analysis followed the USEPA

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[3] City of Milpitas. 2011. *Zoning Map*. December. Available online at http://www.ci.milpitas.ca.gov/_pdfs/plan_map_zoning.pdf

[4] Telephone conversation between Mr. Albert Zamora of the City of Milpitas and Mr. Michael Keinath of ENVIRON, 28 August 2012.

RMP Guidance. The USEPA RMP Guidance tabulates the distance to the TEP concentration based on the release rate of a given chemical, with specific tables for ammonia and chlorine. The USEPA RMP Guidance tables were used to find the distances to the IDLH and 1/10 IDLH concentrations, as well.

The USEPA RMP Guidance has defined the worst-case release scenario as the release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint under conservative meteorological conditions. For the worst-case release scenario analysis under RMP, the possible causes of the worst-case release or the probability that such a release might take place are not considered; the release is simply assumed to occur. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely, and not more likely smaller releases that would potentially result in smaller impacts. ENVIRON assumed the worst case is a ten-minute release of the entire quantity of a chemical stored on site.

To evaluate the potential zone of impact that could be potentially affected if any of the seven identified facilities had a catastrophic release of a chemical of concern, ENVIRON used dispersion parameters in Table 5 of the USEPA RMP Guidance. This table assumes the release is of a dense gas in a rural setting. For ammonia and chlorine releases, ENVIRON used dispersion parameters in Tables 9 and 11, respectively. The meteorological conditions assumed for dispersion are Pasquill Stability Class F and a wind speed of 1.5 meters per second. This combination represents a conservative scenario, that is, the largest zone of impact for the amount of chemical released.

Each chemical at each facility was evaluated individually for distance to the IDLH, TEP, and 1/10 IDLH concentration. Table 1 includes the results of the risk assessment.

Risk Assessment Conclusion

The Project is in the 1/10 IDLH concentration zone of impact for four of the seven industrial businesses included in this risk assessment. The Project is also in the TEP concentration zone of impact for the same four industrial businesses. Table 1 shows both the distance from the Project to each business and the zones of impact for IDLH, TEP, and 1/10 IDLH. Figure 3 shows the extent of the maximum 1/10 IDLH concentration zone of impact for each business for which the Project is in the 1/10 IDLH concentration zone of impact. The impacts by business are discussed below.

ENVIRON understands that the MFD only requires the distance to the 1/10 IDLH concentration for planning purposes and decisions. We further understand that the MFD would also like distances to the IDLH and TEP concentrations for Fire Department planning purposes. Distances to the IDLH, TEP, and 1/10 IDLH concentration zones of impact are all discussed here.

Linear Technology, 275 S. Hillview Dr.

The chemicals of concern at Linear Technology are anhydrous ammonia, a mixture with 1% arsine, boron trifloride, chlorine, a mixture with 5% diborane, dichlorosilane, hydrogen bromide, hydrogen chloride, nitrogen trifluoride, a mixture with 15% phosphine, pure phosphine, a solution of 30% sodium hydroxide, a solution of 36% sulfuric acid, sulfur hexafluoride and tungsten hexafluoride. Worst-case releases of hydrogen chloride, sodium hydroxide, and sulfuric acid were not evaluated.

Hydrogen chloride is a liquid with a low vapor pressure and therefore does not readily evaporate. As such, the EPA RMP guidance does not include methodology for calculating distances to endpoints for such a release.

Pure sodium hydroxide is a solid and has a low vapor pressure and therefore does not readily evaporate. As such, the EPA RMP Guidance does not include methodology for calculating distances to endpoints for such a release. Additionally, sodium hydroxide is not included as a CalARP regulated chemical.

The USEPA RMP Guidance only establishes a TEP for sulfuric acid if it is combined with sulfur trioxide in the form of oleum. Additionally, sulfuric acid is only regulated under CalARP if concentrated with greater than 100 pounds of sulfur trioxide or the acid meets the definition of oleum. The sulfuric acid at these facilities is not in the form of oleum, therefore no TEP is established.

Chlorine at Linear Technology has the greatest distance to the 1/10 IDLH and thus IDLH zone of impact of all chemicals stored on site, at 1.2 miles to the 1/10 IDLH concentration and 0.4 miles to the IDLH concentration. Diborane has the largest TEP zone of impact, 1.2 miles. The Project is 0.2 miles to the northwest of Linear Technology, and as such is inside the IDLH zone of impact for chlorine, diborane, and hydrogen bromide. The Project is in the TEP zone of impact for chlorine, diborane, and pure phosphine from Linear Technology. The Project is in the 1/10 IDLH zone of impact for anhydrous ammonia, boron trifluoride, chlorine, diborane, hydrogen bromide, and pure phosphine from Linear Technology.

Under the worst-case scenario for the actual amount of anhydrous ammonia, boron trifluoride, chlorine, diborane, hydrogen bromide, and pure phosphine stored in the single largest vessel, the Project is located within the hypothetical distance to the 1/10 IDLH concentrations of these chemicals.

Headway Technologies, 497 S. Hillview Dr.

The chemicals of concern at Headway Technologies are anhydrous ammonia, boron trichloride, chlorine, a solution of 50% sodium hydroxide, and a solution of 30% sulfuric acid. Worst-case releases of sodium hydroxide and sulfuric acid were not evaluated, as discussed in the results for Linear Technology.

Chlorine at Headway Technologies has the greatest distance to the 1/10 IDLH and thus IDLH zone of impact of all chemicals stored on site, at 0.8 miles to the 1/10 IDLH concentration and 0.2 miles to the IDLH concentration. Boron trichloride has the largest TEP zone of impact, 1.4 miles. The Project is 0.39 miles to the northwest of Headway Technologies, and as such is inside the TEP zone of impact for chlorine and boron trichloride. The Project is in the 1/10 IDLH zone of impact for chlorine from Headway Technologies.

Under the worst-case scenario for the actual amount of chlorine stored in the single largest vessel, the Project is located within the hypothetical distance to the 1/10 IDLH concentration.

Nanogram, 165 Topaz St.

Nanogram is located immediately south of the Project. The chemicals of concern at Nanogram are anhydrous ammonia, a mixture with 10% diborane, a mixture with 10% phosphine, and sulfur hexafluoride.

Phosphine at Linear Technology has the greatest distance to the 1/10 IDLH and thus IDLH zone of impact of all chemicals stored on site, at 0.2 miles to the 1/10 IDLH concentration and 0.1 miles to the IDLH concentration. Phosphine also has the largest TEP zone of impact, 0.3 miles. The Project is 0.1 miles to the north-northeast of Nanogram, and as such is inside the TEP zone of impact for

diborane and phosphine from Nanogram. The Project is in the 1/10 IDLH zone of impact for anhydrous ammonia, diborane, and phosphine from Nanogram.

Under the worst-case scenario for the actual amount of anhydrous ammonia, diborane, and phosphine stored in the single largest vessel, the Project is located within the hypothetical distance to the 1/10 IDLH concentrations of these chemicals.

Magic Technologies, 463 S. Milpitas Blvd.

The chemicals of concern at Magic Technologies are anhydrous ammonia, boron trichloride, carbon monoxide, chlorine, hydrogen bromide, a solution of 30% sodium hydroxide, and a solution of 36% sulfuric acid. Worst-case releases of sodium hydroxide and sulfuric acid were not evaluated, as discussed in the results for Linear Technology.

Hydrogen bromide at Magic Technologies has the greatest distance to the 1/10 IDLH and thus IDLH zone of impact of all chemicals stored on site, at 1 mile to the 1/10 IDLH concentration and 0.3 miles to the IDLH concentration. Boron trichloride has the largest TEP zone of impact, 1.4 miles. The Project is 0.33 miles to the north-northwest of Magic Technologies, and as such is inside the TEP zone of impact for chlorine and boron trichloride. The Project is in the 1/10 IDLH zone of impact for chlorine and hydrogen bromide from Magic Technologies.

Under the worst-case scenario for the actual amount of chlorine and hydrogen bromide stored in the single largest vessel, the Project is located within the hypothetical distance to the 1/10 IDLH concentrations of these chemicals.

System Services of America, Inc., 1029 Montague Expressway

The chemical of concern at System Services of America, Inc., is anhydrous ammonia. The distances to the IDLH, TEP and 1/10 IDLH concentrations are 0.4, 0.4, and 1.1 miles from System Services of America, Inc., respectively. The Project is 1.2 miles to the north-northwest of System Services of America, Inc., and as such is outside the IDLH, TEP, and 1/10 IDLH zones of impact for anhydrous ammonia.

Under the worst-case scenario for the actual amount of anhydrous ammonia stored in the single largest vessel, the Project is not located within the hypothetical distance to the 1/10 IDLH concentration of anhydrous ammonia.

Siemens Water Technologies, 960 Ames Ave.

The chemicals of concern at Siemens Water Technologies are solutions of 50% sodium hydroxide and 31% hydrogen chloride. Worst-case releases of sodium hydroxide and hydrogen chloride were not evaluated, as discussed in the results for Linear Technology. Additionally, hydrogen chloride less than 37% is not included as a CalARP or USEPA RMP regulated chemical.

T. Marzetti, 876 Yosemite Dr.

The chemical of concern at T. Marzetti is a solution of 30% sodium hydroxide. Worst-case releases of sodium hydroxide were not evaluated, as discussed in the results for Linear Technology.

Limitations

This report has been prepared exclusively for use by DRG for submission to the City of Milpitas and may not be relied upon by any other person or entity without ENVIRON's express written permission. The conclusions presented in this report represent ENVIRON's professional judgment based upon

the information available to us and as provided by the MFD and conditions existing as of the date of this report, and are correct to the best of ENVIRON's knowledge as of the date of this report. Future conditions (e.g., new industrial uses) may differ from those described herein and this report is not intended for use in future evaluations of risks to the site. In performing this assignment, ENVIRON relied upon publicly available information, including information submitted by facilities to the Milpitas Fire Department. Accordingly, the conclusions in this report are valid only to the extent that the information provided to ENVIRON was accurate and complete. ENVIRON does not make any warranties or representations, whether expressed or implied, regarding the accuracy of such information, and shall not be held accountable or responsible in the event that any such inaccuracies are present.

ENVIRON's scope of work for this assignment was limited to identifying neighboring businesses, as identified by MFD, that may store chemicals that could have off-site consequences if catastrophically released. The proposed Project is located in close proximity to both I-680 (the Site is approximately 0.6 miles to the west of I-680) and I-880 (the Site is approximately 0.9 miles to the east of I-880), and is located adjacent to the a railroad right-of-way, consisting of multiple tracks. The scope of work for this report did not include evaluation of potential risks from trucks accidents or railcar derailments involving releases of hazardous materials. Further, because the proposed Project is located within the greater Bay Area, which is urban and industrialized, the proposed Project faces the same potential risks and hazards as any other business in an industrial or urban area. This report is intended, consistent with normal standards of practice and care, to assist the client in identifying the risks of known current conditions within the Site vicinity.

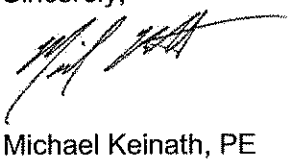
Conclusion

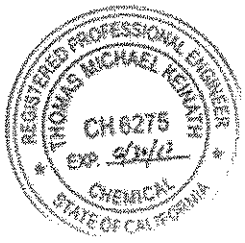
Only one of the seven industrial facilities evaluated in this RAP, System Services of America, Inc., uses chemicals in amounts larger than the CalARP Threshold Quantity. Facilities using regulated substances in a process in excess of the CalARP Threshold Quantity are subject to CalARP Program requirements, which vary depending on the location, size, and type of the facility. System Services of America, Inc., is assumed to be compliant with CalARP requirements. The Subject Property, however, is located far enough away from System Services of America, Inc., to not be within its CalARP TEP zone of impact for anhydrous ammonia.

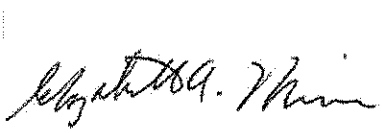
Although the project is not within a CalARP TEP zone of impact, as a result of being within the 1/10 IDLH zones of impact of anhydrous ammonia, chlorine, diborane, hydrogen bromide, and phosphine the following mitigation measure is recommended to help ensure public safety: the Project will provide an Emergency Action Plan (EAP) with evacuation and shelter-in-place procedures to the MFD. In addition, the Project homeowners association should review this RAP and the EAP, update the RAP and EAP as required, and submit the RAP and EAP to the MFD on an annual basis.

If you have any questions or need further information, please feel free to contact Michael at 415.796.1934 or mkeinath@environcorp.com.

Sincerely,







Michael Keinath, PE
Senior Manager

Elizabeth A. Miesner, MS
Principal

Attachments:

Table 1	Distances to the IDLH, TEP, & 1/10 IDLH for Catastrophic Release Scenario for Toxic Gases and Liquids of Concern Stored in the Vicinity of the Project
Figure 1	Proposed Project Boundary
Figure 2	Industrial Facilities Near the Proposed Project
Figure 3	Maximum Distances to 1/10 IDLH Concentration

Tables

Table 1
Distances to the IDLH, TEP, & 1/10 IDLH for Catastrophic Release Scenario for Toxic Gases and Liquids of Concern[1] Stored in the Vicinity of the Project
375 Los Coches Street and 359 Topaz Street, Milpitas, California

Facility	Approximate Distance and Direction from Proposed Site[2]	Chemical	%	Largest Container Reported	Reported Units	Amount of Toxic Chemical in Largest Container (lbs)[3]	CalARP Threshold Quantity (lbs)	Ratio of CalARP Threshold to Largest Container	Release Rate (lbs/min)[4]	IDLH (mg/L)	TEP (mg/L)	1/10 IDLH (mg/L)	IDLH Distance (mi)[5]	TEP Distance (mi)[5,6]	1/10 IDLH Distance (mi)[5,6]
Linear Technology 275 S. Hillview Drive	0.2 miles to the SE	Anhydrous Ammonia [7,8]	100%	1,150	cu ft	50	500	10	5	0.21	0.14	0.021	0.1	0.1	**0.4**
		Arsine	1%	176	cu ft	0.35	100	290	0.035	0.0095	0.0019	0.00095	0.02	0.04	0.1
		Boron Trifluoride	100%	29	cu ft	4.9	500	100	0.49	0.069	0.028	0.0069	0.1	0.1	**0.2**
		Chlorine [8]	100%	540	cu ft	98	100	1	9.8	0.029	0.0087	0.0029	**0.4**	**0.7**	**1.2**
		Diborane	5%	158	lbs	7.9	100	13	0.79	0.017	0.0011	0.0017	**0.2**	**1.2**	**0.9**
		Dichlorosilane	100%	310	cu ft	80	10,000	130	8	NA	NE	NA	NA	NE	NA
		Hydrogen Bromide	100%	329	cu ft	68	NE	--	6.8	0.099	NE	0.0099	**0.3**	NE	**1**
		Hydrogen Chloride	100%	540	cu ft	50	500	10	5	0.074	0.030	0.0074	--	--	--
		Nitrogen Trifluoride	100%	216	cu ft	39	NE	--	3.9	2.9	NE	0.29	0.1	NE	0.2
		Phosphine	15%	189	cu ft	2.5	500	200	0.25	0.069	0.0035	0.0069	0.1	0.2	0.1
		Phosphine	100%	189	cu ft	16	500	31	1.6	0.069	0.0035	0.0069	0.2	1.1	**0.7**
		Sodium Hydroxide [9]	30%	900	gal	3,000	NE	--	300	0.01	NE	0.001	--	NE	--
		Sulfuric Acid [10]	36%	500	gal	1,600	NE	--	160	0.015	NE	0.0015	--	NE	--
		Sulfur Hexafluoride	100%	287	cu ft	110	NE	--	11	ND	NE	ND	ND	NE	ND
		Tungsten Hexafluoride	100%	55	cu ft	42	NE	--	4.2	NA	NE	NA	NA	NE	NA
Headway Technologies 497 S. Hillview Drive	0.39 miles to the SE	Anhydrous Ammonia [7,8]	100%	250	cu ft	11	500	46	1.1	0.21	0.14	0.021	0.1	0.1	0.2
		Boron Trichloride	100%	250	cu ft	75	500	6.7	7.5	NA	0.010	NA	NA	1.4	NA
		Chlorine [8]	100%	250	cu ft	45	100	2.2	4.5	0.029	0.0087	0.0029	0.2	**0.5**	**0.8**
		Sodium Hydroxide [9]	50%	700	gal	4,500	NE	--	450	0.01	NE	0.001	--	NE	--
		Sulfuric Acid [10]	30%	250	gal	620	NE	--	62	0.015	NE	0.0015	--	NE	--
Magic Technologies 463 S. Milpitas Blvd.	0.33 miles to the SSE	Anhydrous Ammonia [7,8]	100%	250	cu ft	11	500	46	1.1	0.21	0.14	0.021	0.1	0.1	0.2
		Boron Trichloride	100%	250	cu ft	75	500	6.7	7.5	NA	0.010	NA	NA	1.4	NA
		Carbon Monoxide	100%	250	cu ft	18	NE	--	1.8	1.4	NE	0.14	0.1	NE	0.2
		Chlorine [8]	100%	250	cu ft	45	100	2.2	4.5	0.029	0.0087	0.0029	0.2	**0.5**	**0.8**
		Hydrogen Bromide	100%	250	cu ft	52	NE	--	5.2	0.099	NE	0.0099	0.3	NE	**1**
		Sodium Hydroxide [9]	30%	1,000	gal	3,300	NE	--	330	0.01	NE	0.001	--	NE	--
		Sulfuric Acid [10]	36%	1,000	gal	3,100	NE	--	310	0.015	NE	0.0015	--	NE	--
Nanogram 165 Topaz Street	0.10 miles to the SSW	Anhydrous Ammonia [7,8]	100%	250	cu ft	11	500	46	1.1	0.21	0.14	0.021	0.1	0.1	**0.2**
		Diborane	10%	154	cu ft	1.1	100	92	0.11	0.017	0.0011	0.0017	0.03	**0.2**	**0.1**
		Phosphine	10%	484	cu ft	4.2	500	120	0.42	0.069	0.0035	0.0069	0.1	**0.3**	**0.2**
		Sulfur Hexafluoride	100%	337	cu ft	130	NE	--	13	ND	NE	ND	ND	NE	ND
T. Marzetti 876 Yosemite Dr	0.65 miles to the SSE	Sodium Hydroxide [9]	30%	700	gal	2,300	NE	--	230	0.01	NE	0.001	--	NE	--
Siemens Water Technologies 960 Ames Avenue	0.94 miles to the SSE	Sodium Hydroxide [9]	50%	7,000	gal	45,000	NE	--	4500	0.01	NE	0.001	--	NE	--
		Hydrochloric Acid [11]	31%	7,000	gal	21,000	NE	--	2100	0.074	NE	0.0074	--	NE	--
System Services, Inc. 1029 Montague Expressway	1.2 miles to the SSE	Anhydrous Ammonia [7,8]	100%	12,000	cu ft	520	500	0.96	52	0.21	0.14	0.021	0.4	0.4	1.1

Notes:
TEP values and distance to toxic endpoints based on USEPA 1999. For chemicals with a release rate less than 1 lb/min, distances were extrapolated assuming that the distance was linear between release rates of 0 and 1 lb/min.
IDLH values based on NIOSH 1994.
BOLD indicates that the distance to the toxic endpoint is greater than the distance to the proposed DRG development.

[1] As requested by the Milpitas Fire Department (MFD).
[2] Distance based on center of facility to closest Project boundary.
[3] If the largest container was reported as a volume (e.g., cu ft), the conversion to pounds was estimated based on specific volume of gas (cu ft/lb) in USEPA 1999. If the toxic chemical is a percentage by weight of the total container (e.g., 5% Diborane), then the amount of toxic chemical in the largest container was adjusted to represent only the amount of the toxic chemical in the container.
[4] Assumes outside worst-case catastrophic release in which all of the toxic chemical is released from the largest container in 10 minutes.
[5] Assumes rural landscape and a dense gas release.
[6] ENVIRON understands that the planning department only requires the distance to the 1/10 IDLH concentration for planning purposes and decisions. We further understand that the MFD would also like to see distances to either the RMP/CalARP toxic endpoint (TEP) or the IDLH for Fire Department planning purposes.
[7] Assumes anhydrous ammonia is liquified under pressure.

Table 1

[8] Distances for anhydrous ammonia and chlorine based on chemical-specific dispersion models provided in USEPA 1999.

[9] Density of sodium hydroxide solutions (30% solution = 1.33; 50% solution = 1.53) taken from JTBaker MSDS. Distances to IDLH and TEP were not calculated as pure sodium hydroxide is a solid and has a low vapor pressure and therefore does not readily evaporate. As such, the EPA RMP guidance does not include methodology for calculating distances to endpoints for such a release. Additionally, sodium hydroxide is not included as a CalARP regulated chemical.

[10] Density of sulfuric acid solution (1.272) taken from aqualogic MSDS. http://www.aqualogicinc.net/files/MSDS_-_Sulfuric_Acid.txt. Distances to IDLH and TEP were not calculated as EPA RMP guidance only provides a TEP for sulfuric acid if combined with sulfur trioxide in the form of oleum. Additionally, sulfuric acid is only regulated under CalARP if concentrated with greater than 100 pounds of sulfur trioxide or the acid meets the definition of oleum; the sulfuric acid at these facilities meets neither of these conditions, therefore no TEP is established.

[11] Density of hydrochloric acid solution (1.18) taken from JTBaker MSDS. Distances to IDLH and TEP were not calculated as hydrochloric acid is a liquid with a low vapor pressure and therefore does not readily evaporate. As such, the EPA RMP guidance does not include methodology for calculating distances to endpoints for such a release. Additionally, hydrochloric acid less than 37% is not included as a CalARP or EPA RMP regulated chemical.

NA = not available
ND = IDLH not determined
NE = not established
-- = Not calculated because a required parameter was not established.

References:
USEPA. 2009. *Risk Management Program Guidance for Offsite Consequence Analysis*. Office of Solid Waste and Emergency Response. EPA 550-B-99-009. March.
NIOSH. 1994. *NIOSH Pocket Guide to Chemical Hazards*. June.

Acronyms
CalARP = California Accidental Release Prevention
cu ft = cubic feet
gal = gallons
IDLH = Immediately Dangerous to Life or Health
lbs = pounds
mg/l = milligram per liter
mi = miles
min = minute
MSDS = material safety data sheet
NIOSH = National Institute for Occupational Safety and Health
RMP = Risk Management Program
TEP = Toxic Endpoint
USEPA = United States Environmental Protection Agency

Figures

ENVIRON

Proposed Project Boundary
DRG
Milpitas, California

Figure
1

Drafter: RS | Date: 9/10/12 | Contract Number: 03-31097A | Approved: | Revised:

Path: U:\Braddock and DRG\GIS\DRG_Figure 1.mxd

N

0 1,000 2,000

SCALE IN FEET

ENVIRON

Industrial Facilities Near the Proposed Project
DRG
Milpitas, California

Figure
2

Drafter: RS Date: 9/10/12 Contract Number: 03-31097A Approved: Revised:

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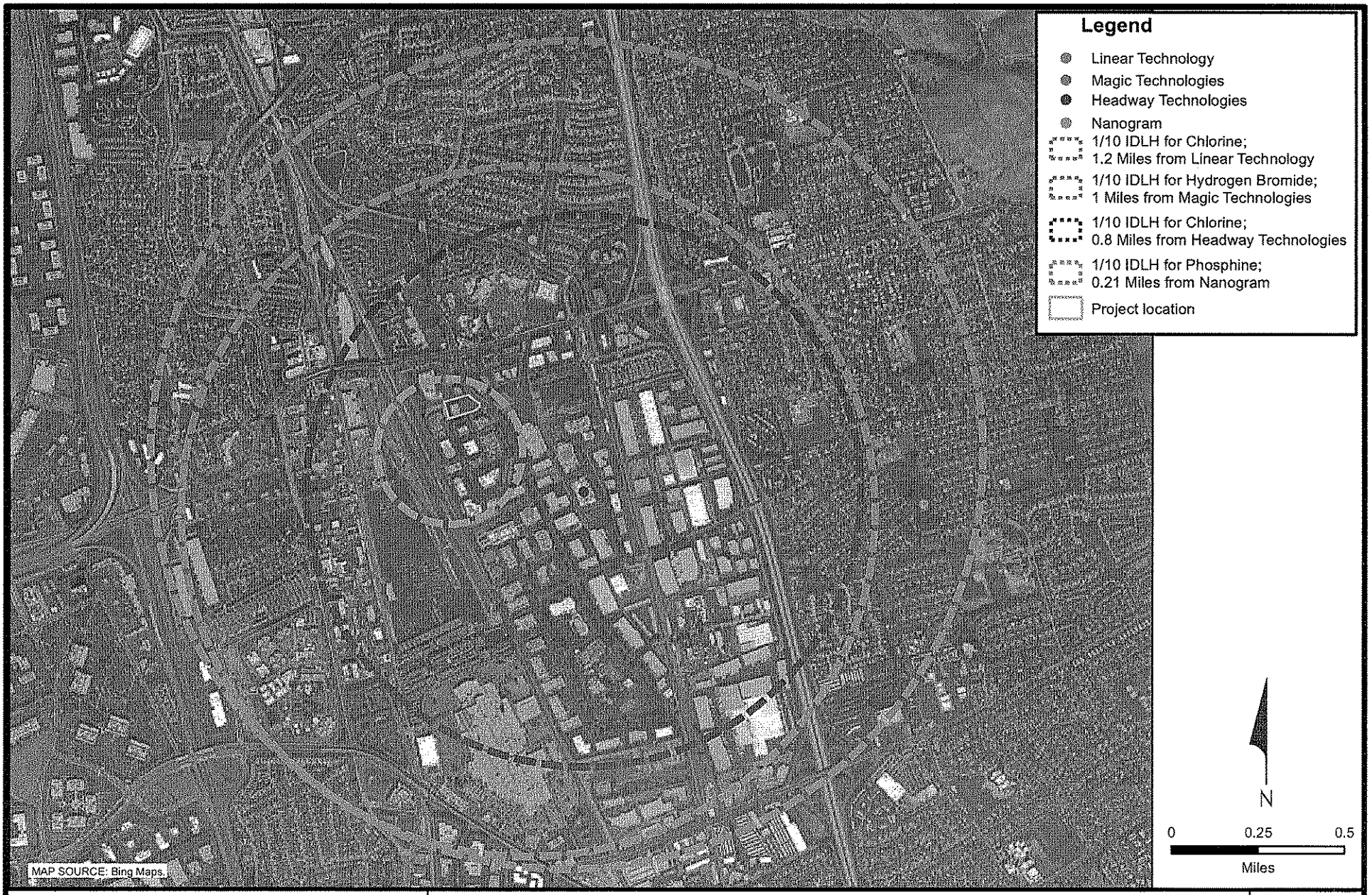

ENVIRON

Maximum Distances to 1/10 IDLH Concentration
DRG
Milpitas, California

Figure
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Drafter:	SD	Date: 9/10/12	Contract Number:	03-31097A	Approved:	Revised:

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GREENHOUSE GAS/ AIR QUALITY TECHNICAL REPORT FOR THE 345/375 LOS COCHES PROJECT, CITY OF MILPITAS

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Air Pollution Meteorology • Dispersion Modeling •Climatological Analysis

INTRODUCTION

The 345/375 Los Coches project would be located on a 2.5-acre site at the northwest corner of the intersection of Los Coches Street and S. Milpitas Blvd. There is currently a vacant 20,000 sq. ft. commercial building on the site. The project would demolish the existing structure on the site and replace it with 23 single family residences.

This report describes the effects of the proposed project on greenhouse gas emissions and local/regional air quality. It discusses existing air quality, construction-related impacts, direct and indirect emissions associated with the project, the impacts of these emissions on both the local and regional scale, and mitigation measures to reduce or eliminate any identified significant impacts. The analysis was conducted using guidance provided by the Bay Area Air Quality Management District (BAAQMD).

EXISTING SETTING

Air Pollution Climatology

The amount of a given pollutant in the atmosphere is determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunshine.

Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds are lightest on the average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Hayward Hills on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the East Bay toward Milpitas.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give Milpitas a relatively high

atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

Ambient Air Quality Standards

Criteria Pollutants

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. Table 1 identifies the major criteria pollutants, characteristics, health effects and typical sources. The federal and California state ambient air quality standards are summarized in Table 2.

The federal and state ambient standards were developed independently with differing purposes and methods, although both processes attempted to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. This is particularly true for ozone and particulate matter (PM_{10} and $PM_{2.5}$).

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. 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. Health effects of TACs include cancer, birth defects, neurological damage and death.

Ambient Air Quality

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The closest multi-pollutant monitoring site to the project site is located in downtown San Jose on Jackson Street. Table 3 summarizes exceedances of State and Federal standards at this monitoring site

Table 1: Major Criteria Pollutants

Pollutant	Characteristics	Health Effects	Major Sources
Ozone	A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen. Often called photochemical smog.	Eye Irritation Respiratory function impairment.	The major sources ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide	Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.	Impairment of oxygen transport in the bloodstream. Aggravation of cardiovascular disease. Fatigue, headache, confusion, dizziness. Can be fatal in the case of very high concentrations.	Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	Increased risk of acute and chronic respiratory disease.	Automobile and diesel truck exhaust, industrial processes, fossil-fueled power plants.
Sulfur Dioxide	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	Aggravation of chronic obstruction lung disease. Increased risk of acute and chronic respiratory disease.	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
Particulate Matter (PM_{10}/$PM_{2.5}$)	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time.	Aggravation of chronic disease and heart/lung disease symptoms.	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

Table 2: Federal and State Ambient Air Quality Standards[1,2]

Air Pollutant	Averaging Time	California Standard	Attainment Status	Federal Standard	Attainment Status
Ozone (O_3)	1 hour	0.09 ppm	N	—	
	8 hour	0.070 ppm	N	0.075 ppm	N
Respirable particulate matter (PM_{10})	24 hour	50 µg/m^3	N	150 µg/m^3	U
	Mean	20 µg/m^3	N	—	—
Fine particulate matter ($PM_{2.5}$)	24 hour	—	—	35 µg/m^3	N
	Mean	12 µg/m^3	N	15.0 µg/m^3	A
Carbon monoxide (CO)	1 hour	20 ppm	A	35 ppm	A
	8 hour	9.0 ppm	A	9 ppm	A
Nitrogen dioxide (NO_2)	1 hour	0.18 ppm	A	0.100 ppm	U
	Mean	0.030 ppm	—	0.053 ppm	A
Sulfur dioxide (SO_2)	1 hour	0.25 ppm	A	0.075 ppm	A
	24 hour	0.04 ppm	A	0.014 ppm	A
Lead	30-day	1.5 µg/m^3	A	—	—
	Quarter	—	—	1.5 µg/m^3	A
Sulfates	24 hour	25 µg/m^3	A	No Federal Standard	
Hydrogen sulfide	1 hour	0.03 ppm	U		
Vinyl chloride	24 hour	0.01 ppm	No Information Available		

Abbreviations:
A = Attainment
N = Nonattainment
U = Unclassified
ppm = parts per million
µg/m^3 = micrograms per cubic meter
30-day = 30-day average
Quarter = Calendar quarter
Mean = Annual Arithmetic Mean

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[1] California Air Resources Board, *Ambient Air Quality Standards*, 2/7/12. (http://www.arb.ca.gov/research/aaqs/aaqs2.pdf)

[2] Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status,* (http://www.baaqmd.gov/Divisions/Planning-and-Research/Air-Quality-Standards.aspx), Accessed 8 March 2012.

during the period 2009-2011. Table 3 shows that ozone and $PM_{2.5}$ exceed the state standards in the South Bay.

Attainment Status and Regional Air Quality Plans

The federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board (ARB), based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The U. S. Environmental Protection Agency has classified the San Francisco Bay Area as a non-attainment area for the federal 8-hour ozone standard and $PM_{2.5}$ standards. The Bay Area was designated as unclassifiable/attainment for the federal PM_{10} standard.

Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and particulate matter (PM_{10} and $PM_{2.5}$). The county is either attainment or unclassified for other pollutants.

Greenhouse Gases and Climate Change

Definition of Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere.

California State law defines greenhouse gases as:

Carbon Dioxide (CO_2)
Methane (CH_4)
Nitrous Oxide (N_2O)
Hydrofluorocarbons
Perfluorocarbons
Sulfur Hexafluoride

The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide. The last 3 of the six identified GHGs are primarily emitted by industrial facilities. For this analysis, only carbon dioxide, methane and nitrous oxide emissions will be considered. These primary greenhouse gases are described below.

Table 3: Summary of Air Quality Data for San Jose - Jackson Street

Pollutant	Standard	Days Exceeding Standard in:		
		2009	2010	2011
Ozone	State 1-Hour	0	5	1
Ozone	Federal 8-Hour	0	3	0
Ozone	State 8-Hour	0	3	0
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0
PM_{10}	Federal 24-Hour	0	0	0
PM_{10}	State 24-Hour	0	0	0
$PM_{2.5}$	Federal 24-Hour	0	3	3
Sulfur Dioxide	State 24-Hour	0	0	0

Source: Air Resources Board, Aerometric Data Analysis and Management (ADAM), 2012. (http: //www.arb.ca.gov./adam/cgi-bin/adamtop/d2wstart)

Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, the concentration of carbon dioxide in the atmosphere has increased 35 percent. Carbon dioxide is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining GWPs for other GHGs.

Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. In the United States, the top three sources of methane are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, which is used for space and water heating, steam production, and power generation. The GWP of methane is 21.

Nitrous oxide is produced by both natural and human-related sources. Primary human-related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 310.

Greenhouse Gas Effects

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming, although there is uncertainty concerning the magnitude and rate of the warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.

Federal Greenhouse Gas Regulations

In September 2009, EPA issued a final rule for mandatory reporting of GHGs from large GHG emissions sources in the United States. In general, this national reporting requirement will provide EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons or more of CO_2 per year. An estimated 85% of the total U.S. GHG emissions, from approximately 10,000 facilities, is covered by this final rule.

In April 2009 EPA published their Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the CCA (Endangerment Finding) in the Federal Register. The Administrator proposed the finding that atmospheric concentrations of GHGs endanger the public health and welfare within the meaning of Section 202(a) of the CCA. The final finding was released on December 7, 2009. The findings do not in and of themselves impose any emission reduction requirements but rather allow EPA to finalize the GHG standards proposed in 2010 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.

State Greenhouse Gas Regulations

Assembly Bill 1493 (2002)

AB 1493 required that ARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by ARB to be vehicles whose primary use is noncommercial personal transportation in the state."

To meet the requirements of AB 1493, in 2004 ARB approved amendments to the California Code of Regulations (CCR) adding GHG emissions standards to California's existing standards for motor vehicle emissions. These amendments require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty passenger vehicle weight classes. In December 2004, a group of car dealerships, automobile manufacturers, and trade groups representing automobile manufacturers filed suit against ARB to prevent enforcement of AB 1493. On December 12, 2007, the Court found that if California receives appropriate authorization from EPA (the last remaining factor in enforcing the standard), these regulations would be consistent with and have the force of federal law, thus, rejecting the automakers' claim. This authorization to implement more stringent standards in California was requested in 2005. Since that time, EPA failed to act on granting California authorization to implement the standards. California filed suit against EPA for the delay. In December 2007, EPA Administrator Stephen Johnson denied California's request for the waiver to implement AB 1493. The state of California filed suit against EPA for its decision to deny the CAA waiver. The recent change in presidential administration directed EPA to reexamine its position for denial of California's CAA waiver and for its past opposition to GHG emissions regulation. California received the waiver, notwithstanding the previous denial by EPA, on June 30, 2009.

Assembly Bill 32 (2006), California Global Warming Solutions Act

In September 2006, the governor of California signed AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020. This equates to an approximate 15 percent reduction compared to existing statewide GHG emission levels or a 30 percent reduction from projected 2020 "business as usual" emission levels. The required reduction will be accomplished through an enforceable statewide cap on GHG emissions beginning in 2012.

AB 32 directs ARB to develop and implement regulations that reduce statewide GHG emissions generated by stationary sources. Specific actions required of ARB under AB 32 include adoption of a quantified cap on GHG emissions that represent 1990 emissions levels, institution of a schedule to meet the emissions cap, and development of tracking, reporting, and enforcement mechanisms to ensure that the state achieves the reductions in GHG emissions needed to meet the cap.

AB 32 Climate Change Scoping Plan

In December 2008, ARB adopted its *Climate Change Scoping Plan*, which contains the main strategies California will implement to achieve reduction of approximately 169 million metric tons (MMT) of CO_2e, or approximately 30% from the state's projected 2020 emission level of 596 MMT of CO_2e under a business-as-usual scenario (this is a reduction of 42 MMT CO2e, or almost 10%, from 2002-2004 average emissions). The *Scoping Plan* also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The Scoping Plan calls for the largest reductions in GHG emissions to be achieved by implementing the following measures and standards:

- improved emissions standards for light-duty vehicles
- the Low-Carbon Fuel Standard
- energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems , and
- a renewable portfolio standard for electricity production.

Senate Bills 1078 and 107 and Executive Order S-14-08

SB 1078 requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 changed the target date to 2010. In November 2008 Governor Schwarzenegger signed Executive Order S-14-08, which expands the state's Renewable Energy Standard to 33 percent renewable power by 2020.
Senate Bill 1368 (2006)

SB 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the California Public Utilities Commission (PUC) to establish a greenhouse gas emission performance standard for baseload generation from investor owned utilities by February 1, 2007. The California Energy Commission (CEC) must establish a similar standard for local publicly owned utilities by June 30, 2007. These standards cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. The legislation further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the PUC and CEC.

Senate Bill 97 (2007)

SB 97 acknowledges climate change is a prominent environmental issue that requires analysis under CEQA. This bill directed the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Resources Agency by July 1, 2009 guidelines for mitigating GHG emissions or the effects of GHG emissions, as required by CEQA. The California Resources Agency is required to certify and adopt these guidelines by January 1, 2010.

Senate Bill 375 (2008)

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. As part of the alignment, SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) which prescribes land use allocation in that MPO's Regional Transportation Plan (RTP). The ARB, in consultation with MPOs, is required to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035.

Executive Order S-3-05 (2005)

Governor Schwarzenegger signed Executive Order S-3-05 on June 1, 2005 which proclaimed California is vulnerable to the impacts of climate change. The executive order declared increased temperatures could reduce snowpack in the Sierra Nevada Mountains, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the executive order established targets for total GHG emissions which include reducing GHG emissions to the 2000 level by 2010, to the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

The executive order also directed the secretary of the California Environmental Protection Agency to coordinate a multiagency effort to reduce GHG emissions to the target levels. To comply with the executive order, the Secretary of the California Environmental Protection Agency created the California Climate Action Team which is made up of members from various state agencies and commissions. The California Climate Action Team released its first report in March 2006 of which proposed achieving the GHG emissions targets by building on voluntary actions of California businesses and actions by local governments and communities along with continued implementation of state incentive and regulatory programs.

Executive Order S-13-08

Governor Schwarzenegger signed Executive Order S-13-08 on November 14, 2008 which directs California to develop methods for adapting to climate change through preparation of a statewide plan. The assessment report is required to be completed by December 1, 2010 and required to include the following four items:

- Project the relative sea level rise specific to California by taking into account issues such as coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge, and land subsidence rates;
- Identify the range of uncertainty in selected sea level rise projections;
- Synthesize existing information on projected sea level rise impacts to state infrastructure (e.g., roads, public facilities, beaches), natural areas, and coastal and marine ecosystems; and
- Discuss future research needs relating to sea level rise in California.

Executive Order S-1-07

Governor Schwarzenegger signed Executive Order S-1-07 in 2007 which proclaimed the transportation sector as the main source of GHG emissions in California. The executive order proclaims the transportation sector accounts for over 40 percent of statewide GHG emissions. The executive order also establishes a goal to reduce the carbon intensity of transportation fuels sold in California by a minimum of 10 percent by 2020.

Local Greenhouse Gas Regulations

The Bay Area Air Quality Management District has established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the Bay Area. The climate protection program includes measures that promote energy efficiency, reduce vehicle miles traveled, and develop alternative sources of energy all of which assist in reducing emissions of GHG and in reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

Sources of Greenhouse Gas Emissions

Anthropogenic GHG emissions worldwide as of 2005 totaled approximately 30,800 CO_2 equivalent million metric tons ($MMTCO_2e$).[3] The United States was the top producer of greenhouse gas emissions as of 2005. The primary greenhouse gas emitted by human activities in the United States was CO_2, representing approximately 84 percent of total greenhouse gas emissions. Carbon dioxide from fossil fuel combustion, the largest source of US greenhouse gas emissions, accounted for approximately 80 percent of US GHG emissions.[4]

The primary contributors to GHG emissions in California are transportation, electric power production from both in state and out-of-state sources, industry, agriculture and forestry, and other sources, which include commercial and residential activities. These primary contributors to California's GHG emissions and their relative contributions are presented in Table 4.

Sensitive Receptors

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[3] The CO_2 equivalent emissions are commonly expressed as "million metric tons of carbon dioxide equivalent ($MMTCO_2E$)".

[4] US Environmental Protection Agency, *Inventory of US Greenhouse Gas Emissions and Sinks 1990-2006,* 2008.

Table 4: GHG Inventory for California, 2009

Source Category	**Annual GHG Emissions** ($MMTCO_2E$)	**Percent of Total**
Agriculture/Forestry	32.32	7.1
Commercial Uses	14.33	3.1
Electricity Generation (Imports)	48.05	10.5
Electricity Generation (In-State)	55.53	12.2
Industrial	81.36	17.8
Residential Uses	28.61	6.3
Transportation	172.92	37.9
Other	23.64	5.2
Totals	456.77	100.0

Source: California Air Resources Board (CARB), *Greenhouse Gas Inventory Data – 2000 to 2009,* 2011

The Bay Area Air Quality Management District 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, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics.

There are no sensitive receptors in the project vicinity. The project, when completed, would represent a new sensitive receptor.

Significance Criteria

Air Quality

California Environmental Quality Act (CEQA) guidelines provide that a project would have a significant air quality impact if it would:

- Conflict with or obstruct implementation of the applicable air quality plan,
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation,
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative threshold for ozone precursors),
- Expose sensitive receptors to substantial pollutant concentrations, or
- Create objectionable odors affecting a substantial number of people.

In 2010 the BAAQMD adopted new CEQA Air Quality Guidelines replacing their 1999 CEQA Air Quality Guidelines that provide refinements to the definition of a significant air quality impact. In 2012 the Alameda County Superior Court issued a judgement, in *California Building Industry Association v. Bay Area Air Quality Management District*, finding that the BAAQMD had failed to comply with CEQA when it adopted the 2011 thresholds. The court issued a writ of mandate ordering the BAAQMD to set aside the 2011 thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. As such, this ruling effectively nullified the BAAQMD's adoption of the 2010 Air Quality Guidelines as updated in 2011.

The District's website states the following:

"The District's CEQA Guidelines are developed to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality. These CEQA Guidelines were updated in June 2010 to include reference to thresholds of significance ("Thresholds") adopted by the Air District Board on June 2, 2010. The Guidelines were further updated in May 2011. On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the Thresholds. The court did not determine whether the Thresholds were valid on the merits, but found that the adoption

of the Thresholds was a project under CEQA. The court issued a writ of mandate ordering the District to set aside the Thresholds and cease dissemination of them until the Air District had complied with CEQA.

In view of the court's order, the Air District is no longer recommending that the Thresholds be used as a generally applicable measure of a project's significant air quality impacts. Lead agencies will need to determine appropriate air quality thresholds of significance based on substantial evidence in the record. Although lead agencies may rely on the Air District's CEQA Guidelines (updated May 2011) for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures, the Air District has been ordered to set aside the Thresholds and is no longer recommending that these Thresholds be used as a general measure of a project's significant air quality impacts.

Lead agencies may continue to rely on the Air District's 1999 Thresholds of Significance and they may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project."

As recommended by the BAAQMD, the air quality analysis utilizes the BAAQMD 1999 Thresholds of Significance. Screening procedures and mitigation measures from the 2011 CEQA Guidelines have been utilized where consistent with the 1999 CEQA Guidelines thresholds of significance.

The document 1999 CEQA Guidelines[5] provide the following definitions of a significant air quality impact:

- A project contributing to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours or 20 ppm for 1 hour would be considered to have a significant impact.

- A project that generates criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds would be considered to have a significant air quality impact. The current thresholds are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NO_x) or PM_{10}. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.

- Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

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[5] Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, 1996 (Revised December 1999).

- Any project with the potential to expose sensitive receptors or the general public to substantial levels of toxic air contaminants (defined as a cancer risk greater than 10 in one million) would be deemed to have a significant impact.

The BAAQMD significance threshold for construction dust impact is based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM_{10}. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered less-than-significant.

In addition to BAAQMD guidance, California Air Resources Board guidance was used to evaluate project exposures to toxic air contaminants. In 2005 the California Air Resources Board published an air quality/land use handbook.[6] The CARB handbook recommends that planning agencies strongly consider proximity to toxic sources when finding new locations for "sensitive" land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include freeways and highways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and large gasoline service stations.

Greenhouse Gases

California Environmental Quality Act (CEQA) guidelines provide that a project would have a significant GHG impact if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

As described above a recent court ruling aside adoption of the 2010 CEQA Guidelines for determining the significance of greenhouse gas emissions. The 1999 CEQA Guidelines contain no thresholds of significance for GHG. While adoption of the thresholds was set aside until an environmental evaluation is conducted, the BAAQMD's GHG significance criteria, as outlined in their 2010 CEQA Guidelines, are supported by extensive studies and analysis.[7] Pursuant to its discretion under CEQA Guidelines section 15064 (b) the City of Milpitas may apply the BAAQMD CEQA thresholds to the proposed project.

The significance threshold for GHG emissions is that a development project, other than a stationary source, would have significant cumulative impact unless:

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[6] California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005.
[7] BAAQMD, *BAAQMD CEQA Guidelines Update, Thresholds of Significance*, June 2, 2010.

- The project can be shown to be in compliance with a qualified Climate Action Plan; or
- Project emissions of CO_2 equivalent GHGs (CO_2e) are less than 1,100 metric tons per year; or
- Project emissions of CO_2 equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees).

IMPACTS AND MITIGATION

1. Air Quality

Would the project:

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

The San Francisco Bay Area Air Basin is currently non-attainment for ozone (state and federal ambient standards) and particulate matter ($PM_{2.5}$ and PM_{10}) (state ambient standard). While an air quality plan exists for ozone, none currently exists for particulate matter. The *Bay Area 2010 Clean Air Plan*[8] is the current ozone air quality plan.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would result in substantial new regional emissions not foreseen in the air quality planning process. The project would not result in a substantial unplanned increase in population, employment, regional growth in Vehicle Miles Traveled, or emissions, so it could not conflict with or obstruct implementation of the air quality plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Development projects in the Bay Area are most likely to violate an air quality standard or contribute substantially to an existing or projected air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source in the Bay Area is automobiles. Concentrations of this gas are highest near intersections of major roads.

The BAAQMD has developed a preliminary screening methodology that provides a conservative indication of whether the implementation of a proposed project would result in CO emissions that exceed the CO thresholds of significance. For a development proposal, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:[9]

- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is

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[8] Bay Area Air Quality Management District et al., *Bay Area 2010 Clean Air Plan*, September 15, 2010.

[9] The CO threshold of significant is the same in the 1999 CEQA Guidelines and 2010 CEQA Guidelines, so utilization of the screening method for CO in the 2010 CEQA Guidelines is appropriate.

substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway)

Based on existing surface road volumes in the project vicinity, the project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, and would not affect any intersections where vertical and/or horizontal mixing is substantially limited.[10] Based on the BAAQMD criteria, the proposed project would have a less-than-significant impact on carbon monoxide concentrations

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The CalEEMod model was used to quantify construction and operational emissions. CalEEMod output is included in Appendix A.

The average daily construction and operational emissions shown in Table 5 are below the BAAQMD thresholds of significance. This would be a less-than-significant impact.

d) Expose sensitive receptors to substantial pollutant concentrations?

Construction Dust

Activities associated with site preparation, and construction would generate short-term emissions of fugitive dust. The effects of construction activities would be increased dustfall and locally elevated levels of PM_{10} and $PM_{2.5}$ downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties.

The BAAQMD threshold of significance for construction dust impacts is whether Best Management Practices (BMPs) are to be utilized. Consistent with guidance from the BAAQMD, the applicant has agreed to require the following BAAQMD Best Management Practices in construction contracts and specifications for all construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

[10] California Environmental Health Tracking Program, Traffic Volume Linkage Tool http://www. ehib.org/traffic_tool.jsp)

Table 5: Average Daily Construction and Operational Emissions in Pounds Per Day

	ROG	**NO_x**	**PM_{10}**
Construction Emissions	9.14	30.42	2.21
Operational Emissions	2.52	2.17	1.81
BAAQMD Threshold of Significance	**80.0**	**80.0**	**80.0**
Significant?	**No**	**No**	**No**

- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The above includes all basic BMPs identified by the Bay Area Air Quality Management District. According to the BAAQMD threshold of significance for construction impacts, construction dust impacts of the project would be less-than-significant.

Toxic Air Contaminant Exposure of Project Residents

The project would include residences that are sensitive receptors that would be exposed to mobile and stationary sources of TACs affecting the site.

The California Air Resources Board's *Air Quality and Land Use Handbook*[11] was developed in response to studies that have demonstrated a link between exposure to poor air quality and respiratory illnesses, both cancer and non-cancer related. The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for "sensitive" land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include highways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and gasoline service stations.

A review of land uses near the project showed that there are no refineries, distribution centers, chrome plating facilities or dry cleaners in proximity to the project site. There are a highway, rail yard, gasoline fueling facilities and two stationary emergency backup diesel generators near the project site. Exposures to these sources are evaluated below using CARB recommended thresholds of significance.

Freeways/Highways

[11] California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005.

CARB's advisory recommendation with respect to proximity to highways is "avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day." The project site is at least 3800 feet from I-680 and 5000 feet from I-880. Volumes on SR 237 near the site are 66,000 vehicles per day, so it would not constitute an "urban road with 100,000 vehicles/day".[12]

Gasoline Filling Stations

Small amounts of gasoline vapor (a reactive organic gas) escape to the atmosphere at filling stations due to loading losses, breathing losses, refueling losses and spillage. The BAAQMD has stringent requirements for the control of gasoline vapor emissions from gasoline dispensing facilities that require all facilities to install and maintain CARB Certified Vapor Recovery Systems.

The CARB Handbook recommendations are to avoid siting new sensitive land uses within 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

The latest BAAQMD inventory of permitted sources of Toxic Air Contaminants includes two gasoline fueling facilities located on the opposite site of the rail corridor located west of the project site on Bothelo Avenue.[13] These sources are well beyond the CARB recommended minimum setbacks for sensitive receptors.

Rail Yards

Rail yards are a major source of diesel particulate air pollution. The CARB Handbook recommendations are to avoid siting new sensitive land uses :

- within 1,000 feet of a major service and maintenance rail yard.
- Within one mile of major service and maintenance rail yard, consider possible siting limitations and mitigation approaches.

These recommendations were based on a rail yard risk analysis was conducted for the Union Pacific rail yard in Roseville, California. The Roseville rail yard is one of the largest service and maintenance rail yards in the West with over 30,000 locomotives visiting annually.

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[12] California Department of Transportation, *Traffic and Vehicle Data System Unit 2010 All Traffic Volumes on the California State Highway System*, 2010. (http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2010all/index.html)

[13] BAAQMD, *Toxic Inventory 2009 Sorted by County by City by Plant Name*, 2009. (http://www.baaqmd.gov/Divisions/Engineering/Air-Toxics/Toxic-Air-Contaminant-Control-Program-Annual-Report.aspx)

The Milpitas railyard does not classify as a "major service and maintenance yard", and the CARB recommended setbacks would not apply to the proposed project.[14] The Milpitas yard has a low level of rail activity and the site has a minimum setback of 575 from the nearest rail line in the yard.

Other Facility Types that Emit Air Pollutants of Concern

In addition to source specific recommendations, *Air Quality and Land Use Handbook* includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals. The list included stationary diesel engines that are a source of diesel particulate matter (DPM). The *Air Quality and Land Use Handbook* does not contain specific recommendations for setbacks between such sources and sensitive receptors but recommends that impacts be evaluated based on a number of factors including the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place.

The neighborhood of the proposed project includes two existing stationary emergency diesel generators. One is located at Nanogram Technology located about 150 meters south of the site, the other is located at the Milpitas City Hall about 275 meters north and east of the project Emissions of diesel exhaust from these two sources were evaluated for health risk. To assess the significance of longer-term project exposure to diesel emissions the U.S. EPA-approved SCREEN-3 model was applied to the two sources to evaluate the exposure to the closest sensitive receptor.[15] Emission calculations and modeling methodology are described in Appendix B.

Diesel particulate emissions were taken from the BAAQMD toxic emissions inventory.[16] Using the SCREEN-3 output, a worst-case annual average concentration of diesel particulate matter (DPM) was estimated.

The SCREEN-3 estimated annual average concentrations were used to calculate the excess cancer risk associated with exposure to diesel exhaust at the nearest residence. The calculated excess cancer risk using the very conservative SCREEN-3 model results was 0.0108 in one million for the City Hall generator and 0.0475 in one million for the Nanogram Technology generator. Separately and combined, these risk values are below the BAAQMD threshold of significance of 10 in one million contained in the 1999 CEQA Guidelines.

Conclusion

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[14] California Air Resources Board, *Major Class I Railyards in California*, 2011. (http://www.arb.ca.gov/railyard/ryagreement/081005majorrymap.pdf)

[15] U. S. Environmental Protection Agency, *SCREEN-3 Model User's Guide, Report EPA-454/B-95-004,* September 1995.

16 BAAQMD, *Toxic Inventory 2009 Sorted by County by City by Plant Name*, 2009. (http://www.baaqmd.gov/Divisions/Engineering/Air-Toxics/Toxic-Air-Contaminant-Control-Program-Annual-Report.aspx)

The project would meet all CARB recommendations for minimum setbacks from freeways/highways, exposure to gasoline emissions and railyard emissions. A health risk assessment found that exposure to emissions from permitted toxic air contaminant sources would be below the recommended threshold of significance. Project impacts due to exposure of sensitive receptors to toxic air contaminants would be a less-than significant impact.

e) Create objectionable odors affecting a substantial number or people?

The proposed project would not include uses that have been identified by BAAQMD as potential sources of objectionable odors. Sources of odors include restaurants, manufacturing plants, and agricultural operations and industrial operations such as wastewater treatment plants and solid waste transfer stations or landfills.

As a new sensitive receptor for odors, the project is distant from the types of land uses that identified by the BAAQMD as having potential to create objectionable odors. Therefore the proposed project would have a less than significant odor impact because it would not frequently create substantial objectionable odors affecting a substantial number of people.

2. Global Warming Gases

Would the project:

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

g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The CalEEMod program estimated construction and operational emission of greenhouse gases for the proposed project. Project construction emissions were calculated as 538.61 $MTCO_2E$, to be emitted over the construction period. Construction emissions are generally considered separately from operational emissions because construction emissions are a one-time event, while operational emissions would be continuous over the life of the project. BAAQMD has no adopted thresholds for construction emissions but recommends quantification and disclosure of these emissions.

Operational GHG emissions by source are shown in Table 6. Total operational emissions were estimated at 333.00 $MTCO_2E$. The CalEEMod output is included in Appendix A.

The BAAQMD significance threshold for operational GHG emissions is that a development project, other than a stationary source, would have significant cumulative impact unless:

- The project can be shown to be in compliance with a qualified Climate Action Plan; or
- Project emissions of CO_2 equivalent GHGs (CO_2e) are less than 1,100 metric tons per year; or
- Project emissions of CO_2 equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees).

Project GHG emissions are well below the 1100 metric tons per year, so project GHG impacts would be less-than-significant.

Table 6: Operational Greenhouse Gas Emissions

Source	**Annual Emission ($MTCO_2E$)**
Area Sources	0.29
Energy	91.71
Mobile (Vehicles)	223.72
Waste	12.61
Water	4.67
Total	333.00

APPENDIX A: CalEEMod Output

DRG Los Coches

Santa Clara County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric
Single Family Housing	23	Dwelling Unit

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**		**Utility Company**	Pacific Gas & Electric Company
Climate Zone	4		2.2		
		Precipitation Freq (Days)	58		

1.3 User Entered Comments

Project Characteristics -

Land Use - Used actual size of lot.

Construction Phase - Assumed 15 month construction period.

Demolition -

Grading - Uses actual site acreage

Woodstoves - No fireplaces or woodstoves

Area Mitigation -

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2013	0.36	2.25	1.46	0.00	0.03	0.13	0.17	0.00	0.13	0.14	0.00	235.43	235.43	0.03	0.00	236.05
2014	1.13	2.69	1.99	0.00	0.01	0.17	0.19	0.00	0.17	0.17	0.00	301.74	301.74	0.04	0.00	302.56
Total	1.49	4.94	3.45	0.00	0.04	0.30	0.36	0.00	0.30	0.31	0.00	537.17	537.17	0.07	0.00	538.61

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2013	0.36	2.25	1.46	0.00	0.01	0.13	0.15	0.00	0.13	0.14	0.00	235.43	235.43	0.03	0.00	236.05
2014	1.13	2.69	1.99	0.00	0.00	0.17	0.17	0.00	0.17	0.17	0.00	301.74	301.74	0.04	0.00	302.56
Total	1.49	4.94	3.45	0.00	0.01	0.30	0.32	0.00	0.30	0.31	0.00	537.17	537.17	0.07	0.00	538.61

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.09	0.01	1.29	0.00		0.00	0.16		0.00	0.16	15.48	5.78	21.26	0.02	0.00	22.02
Energy	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	91.15	91.15	0.00	0.00	91.71
Mobile	0.19	0.33	1.75	0.00	0.24	0.01	0.25	0.01	0.01	0.02	0.00	223.51	223.51	0.01	0.00	223.72
Waste						0.00	0.00		0.00	0.00	5.63	0.00	5.63	0.33	0.00	12.61
Water						0.00	0.00		0.00	0.00	0.00	3.34	3.34	0.05	0.00	4.67
Total	1.28	0.38	3.06	0.00	0.24	0.01	0.41	0.01	0.01	0.18	21.11	323.78	344.89	0.41	0.00	354.73

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.23	0.00	0.18	0.00		0.00	0.00		0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.29
Energy	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	91.15	91.15	0.00	0.00	91.71
Mobile	0.19	0.33	1.75	0.00	0.24	0.01	0.25	0.01	0.01	0.02	0.00	223.51	223.51	0.01	0.00	223.72
Waste						0.00	0.00		0.00	0.00	5.63	0.00	5.63	0.33	0.00	12.61
Water						0.00	0.00		0.00	0.00	0.00	3.34	3.34	0.05	0.00	4.67
Total	0.42	0.37	1.95	0.00	0.24	0.01	0.25	0.01	0.01	0.02	5.63	318.28	323.91	0.39	0.00	333.00

3.2 Demolition - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.04	0.29	0.18	0.00		0.02	0.02		0.02	0.02	0.00	26.84	26.84	0.00	0.00	26.91
Total	0.04	0.29	0.18	0.00	0.01	0.02	0.03	0.00	0.02	0.02	0.00	26.84	26.84	0.00	0.00	26.91

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.02	0.01	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	3.37	3.37	0.00	0.00	3.37
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	1.00
Total	0.00	0.02	0.02	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	4.37	4.37	0.00	0.00	4.37

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.04	0.29	0.18	0.00		0.02	0.02		0.02	0.02	0.00	26.84	26.84	0.00	0.00	26.91
Total	0.04	0.29	0.18	0.00	0.01	0.02	0.03	0.00	0.02	0.02	0.00	26.84	26.84	0.00	0.00	26.91

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.02	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.37	3.37	0.00	0.00	3.37
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	1.00
Total	0.00	0.02	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.37	4.37	0.00	0.00	4.37

3.3 Site Preparation - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.07	0.59	0.31	0.00		0.03	0.03		0.03	0.03	0.00	60.40	60.40	0.01	0.00	60.52
Total	0.07	0.59	0.31	0.00	0.00	0.03	0.03	0.00	0.03	0.03	0.00	60.40	60.40	0.01	0.00	60.52

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.39	1.39	0.00	0.00	1.40
Total	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.39	1.39	0.00	0.00	1.40

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.07	0.59	0.31	0.00		0.03	0.03		0.03	0.03	0.00	60.40	60.40	0.01	0.00	60.52
Total	0.07	0.59	0.31	0.00	0.00	0.03	0.03	0.00	0.03	0.03	0.00	60.40	60.40	0.01	0.00	60.52

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.39	1.39	0.00	0.00	1.40
Total	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.39	1.39	0.00	0.00	1.40

3.4 Building Construction - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.24	1.33	0.91	0.00		0.09	0.09		0.09	0.09	0.00	136.35	136.35	0.02	0.00	136.76
Total	0.24	1.33	0.91	0.00		0.09	0.09		0.09	0.09	0.00	136.35	136.35	0.02	0.00	136.76

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.26	2.26	0.00	0.00	2.27
Worker	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.81	3.81	0.00	0.00	3.82
Total	0.00	0.01	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.07	6.07	0.00	0.00	6.09

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.24	1.33	0.91	0.00		0.09	0.09		0.09	0.09	0.00	136.35	136.35	0.02	0.00	136.76
Total	0.24	1.33	0.91	0.00		0.09	0.09		0.09	0.09	0.00	136.35	136.35	0.02	0.00	136.76

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.26	2.26	0.00	0.00	2.27
Worker	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.81	3.81	0.00	0.00	3.82
Total	0.00	0.01	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.07	6.07	0.00	0.00	6.09

3.4 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.44	2.45	1.76	0.00		0.16	0.16		0.16	0.16	0.00	269.76	269.76	0.04	0.00	270.51
Total	0.44	2.45	1.76	0.00		0.16	0.16		0.16	0.16	0.00	269.76	269.76	0.04	0.00	270.51

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.03	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.49	4.49	0.00	0.00	4.49
Worker	0.01	0.01	0.05	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	7.38	7.38	0.00	0.00	7.39
Total	0.01	0.04	0.07	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	11.87	11.87	0.00	0.00	11.88

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.44	2.45	1.76	0.00		0.16	0.16		0.16	0.16	0.00	269.76	269.76	0.04	0.00	270.51
Total	0.44	2.45	1.76	0.00		0.16	0.16		0.16	0.16	0.00	269.76	269.76	0.04	0.00	270.51

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.03	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.49	4.49	0.00	0.00	4.49
Worker	0.01	0.01	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.38	7.38	0.00	0.00	7.39
Total	0.01	0.04	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.87	11.87	0.00	0.00	11.88

3.5 Paving - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.03	0.17	0.12	0.00		0.01	0.01		0.01	0.01	0.00	15.19	15.19	0.00	0.00	15.24
Paving	0.00					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.03	0.17	0.12	0.00		0.01	0.01		0.01	0.01	0.00	15.19	15.19	0.00	0.00	15.24

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.05	1.05	0.00	0.00	1.05
Total	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.05	1.05	0.00	0.00	1.05

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.03	0.17	0.12	0.00		0.01	0.01		0.01	0.01	0.00	15.19	15.19	0.00	0.00	15.24
Paving	0.00					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.03	0.17	0.12	0.00		0.01	0.01		0.01	0.01	0.00	15.19	15.19	0.00	0.00	15.24

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.05	1.05	0.00	0.00	1.05
Total	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.05	1.05	0.00	0.00	1.05

3.6 Architectural Coating - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.65					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.01	0.04	0.03	0.00		0.00	0.00		0.00	0.00	0.00	3.57	3.57	0.00	0.00	3.58
Total	0.66	0.04	0.03	0.00		0.00	0.00		0.00	0.00	0.00	3.57	3.57	0.00	0.00	3.58

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.28
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.28

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.65					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.01	0.04	0.03	0.00		0.00	0.00		0.00	0.00	0.00	3.57	3.57	0.00	0.00	3.58
Total	0.66	0.04	0.03	0.00		0.00	0.00		0.00	0.00	0.00	3.57	3.57	0.00	0.00	3.58

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.28
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.28

4.0 Mobile Detail

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.19	0.33	1.75	0.00	0.24	0.01	0.25	0.01	0.01	0.02	0.00	223.51	223.51	0.01	0.00	223.72
Unmitigated	0.19	0.33	1.75	0.00	0.24	0.01	0.25	0.01	0.01	0.02	0.00	223.51	223.51	0.01	0.00	223.72
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Single Family Housing	220.11	231.84	201.71	489,239	489,239
Total	220.11	231.84	201.71	489,239	489,239

4.3 Trip Type Information

	Miles			Trip %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW
Single Family Housing	12.40	4.30	5.40	26.10	29.10	44.80

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.00	0.00		0.00	0.00	0.00	43.79	43.79	0.00	0.00	44.06
Electricity Unmitigated						0.00	0.00		0.00	0.00	0.00	43.79	43.79	0.00	0.00	44.06
NaturalGas Mitigated	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65
NaturalGas Unmitigated	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	tons/yr										MT/yr					
Single Family Housing	887464	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65
Total		0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	tons/yr										MT/yr					
Single Family Housing	887464	0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65
Total		0.00	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	47.36	47.36	0.00	0.00	47.65

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	kWh	tons/yr				MT/yr			
Single Family Housing	150521					43.79	0.00	0.00	44.06
Total						43.79	0.00	0.00	44.06

Mitigated

	Electricity Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	kWh	tons/yr				MT/yr			
Single Family Housing	150521					43.79	0.00	0.00	44.06
Total						43.79	0.00	0.00	44.06

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.23	0.00	0.18	0.00		0.00	0.00		0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.29
Unmitigated	1.09	0.01	1.29	0.00		0.00	0.16		0.00	0.16	15.48	5.78	21.26	0.02	0.00	22.02
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.06					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Consumer Products	0.16					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hearth	0.86	0.01	1.12	0.00		0.00	0.16		0.00	0.16	15.48	5.50	20.98	0.02	0.00	21.73
Landscaping	0.01	0.00	0.18	0.00		0.00	0.00		0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.29
Total	1.09	0.01	1.30	0.00		0.00	0.16		0.00	0.16	15.48	5.78	21.26	0.02	0.00	22.02

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.06					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Consumer Products	0.16					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hearth	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Landscaping	0.01	0.00	0.18	0.00		0.00	0.00		0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.29
Total	0.23	0.00	0.18	0.00		0.00	0.00		0.00	0.00	0.00	0.28	0.28	0.00	0.00	0.29

7.0 Water Detail

7.1 Mitigation Measures Water

	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr				MT/yr			
Mitigated					3.34	0.05	0.00	4.67
Unmitigated					3.34	0.05	0.00	4.67
Total	NA	NA	NA	NA	NA	NA	NA	NA

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	tons/yr				MT/yr			
Single Family Housing	1.49854 / 0.944733					3.34	0.05	0.00	4.67
Total						3.34	0.05	0.00	4.67

Mitigated

	Indoor/Outdoor Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	tons/yr				MT/yr			
Single Family Housing	1.49854 / 0.944733					3.34	0.05	0.00	4.67
Total						3.34	0.05	0.00	4.67

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
	tons/yr				MT/yr			
Mitigated					5.63	0.33	0.00	12.61
Unmitigated					5.63	0.33	0.00	12.61
Total	NA	NA	NA	NA	NA	NA	NA	NA

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	tons	tons/yr				MT/yr			
Single Family Housing	27.72					5.63	0.33	0.00	12.61
Total						5.63	0.33	0.00	12.61

Mitigated

	Waste Disposed	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	tons	tons/yr				MT/yr			
Single Family Housing	27.72					5.63	0.33	0.00	12.61
Total						5.63	0.33	0.00	12.61

DRG Los Coches
Santa Clara County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric
Single Family Housing	23	Dwelling Unit

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**		**Utility Company**	Pacific Gas & Electric Company
Climate Zone	4		2.2		
		Precipitation Freq (Days)	58		

1.3 User Entered Comments

Project Characteristics -

Land Use - Used actual size of lot.

Construction Phase - Assumed 15 month construction period.

Demolition -

Grading - Uses actual site acreage

Woodstoves - No fireplaces or woodstoves

Area Mitigation -

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2013	5.45	41.53	26.41	0.04	3.64	2.39	6.03	0.02	2.39	2.42	0.00	4,602.90	0.00	0.48	0.00	4,612.96
2014	46.68	26.97	19.95	0.04	0.22	2.05	2.28	0.01	2.05	2.06	0.00	3,383.64	0.00	0.43	0.00	3,392.74
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2013	5.45	41.53	26.41	0.04	1.34	2.39	3.73	0.02	2.39	2.42	0.00	4,602.90	0.00	0.48	0.00	4,612.96
2014	46.68	26.97	19.95	0.04	0.01	2.05	2.06	0.01	2.05	2.06	0.00	3,383.64	0.00	0.43	0.00	3,392.74
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	22.52	0.36	31.18	0.02		0.00	4.20		0.00	4.19	463.66	151.20		0.75	0.03	639.83
Energy	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Mobile	1.19	1.93	10.31	0.02	1.71	0.07	1.78	0.06	0.07	0.13		1,542.76		0.08		1,544.46
Total	23.74	2.51	41.59	0.04	1.71	0.07	6.00	0.06	0.07	4.34	463.66	1,980.01		0.84	0.04	2,472.08

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	1.30	0.02	1.97	0.00		0.00	0.01		0.00	0.01	0.00	3.46		0.00	0.00	3.54
Energy	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Mobile	1.19	1.93	10.31	0.02	1.71	0.07	1.78	0.06	0.07	0.13		1,542.76		0.08		1,544.46
Total	2.52	2.17	12.38	0.02	1.71	0.07	1.81	0.06	0.07	0.16	0.00	1,832.27		0.09	0.01	1,835.79

3.0 Construction Detail

3.1 Mitigation Measures Construction

3.2 Demolition - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.31	0.00	1.31	0.00	0.00	0.00						0.00
Off-Road	5.07	38.45	23.67	0.04		2.29	2.29		2.29	2.29		3,946.47		0.46		3,956.03
Total	5.07	38.45	23.67	0.04	1.31	2.29	3.60	0.00	2.29	2.29		3,946.47		0.46		3,956.03

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.27	2.98	1.59	0.00	2.13	0.10	2.23	0.02	0.10	0.11		496.30		0.01		498.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.11	0.10	1.15	0.00	0.19	0.01	0.20	0.01	0.01	0.01		160.14		0.01		160.36
Total	0.38	3.08	2.74	0.00	2.32	0.11	2.43	0.03	0.11	0.12		656.44		0.02		658.93

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.31	0.00	1.31	0.00	0.00	0.00						0.00
Off-Road	5.07	38.45	23.67	0.04		2.29	2.29		2.29	2.29	0.00	3,946.47		0.46		3,956.03
Total	5.07	38.45	23.67	0.04	1.31	2.29	3.60	0.00	2.29	2.29	0.00	3,946.47		0.46		3,956.03

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.27	2.98	1.59	0.00	0.02	0.10	0.11	0.02	0.10	0.11		496.30		0.01		498.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.11	0.10	1.15	0.00	0.01	0.01	0.01	0.01	0.01	0.01		160.14		0.01		160.36
Total	0.38	3.08	2.74	0.00	0.03	0.11	0.12	0.03	0.11	0.12		656.44		0.02		658.93

3.3 Site Preparation - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.14	0.00	0.14	0.00	0.00	0.00						0.00
Off-Road	4.20	34.71	18.00	0.04		1.65	1.65		1.65	1.65		3,917.77		0.37		3,925.62
Total	4.20	34.71	18.00	0.04	0.14	1.65	1.79	0.00	1.65	1.65		3,917.77		0.37		3,925.62

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.06	0.71	0.00	0.12	0.00	0.12	0.00	0.00	0.01		98.55		0.01		98.68
Total	0.07	0.06	0.71	0.00	0.12	0.00	0.12	0.00	0.00	0.01		98.55		0.01		98.68

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.14	0.00	0.14	0.00	0.00	0.00						0.00
Off-Road	4.20	34.71	18.00	0.04		1.65	1.65		1.65	1.65	0.00	3,917.77		0.37		3,925.62
Total	4.20	34.71	18.00	0.04	0.14	1.65	1.79	0.00	1.65	1.65	0.00	3,917.77		0.37		3,925.62

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.06	0.71	0.00	0.00	0.00	0.01	0.00	0.00	0.01		98.55		0.01		98.68
Total	0.07	0.06	0.71	0.00	0.00	0.00	0.01	0.00	0.00	0.01		98.55		0.01		98.68

3.4 Building Construction - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88		3,233.11		0.47		3,242.90
Total	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88		3,233.11		0.47		3,242.90

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.31	0.20	0.00	0.02	0.01	0.03	0.00	0.01	0.01		53.86		0.00		53.89
Worker	0.07	0.06	0.71	0.00	0.12	0.00	0.12	0.00	0.00	0.01		98.55		0.01		98.68
Total	0.10	0.37	0.91	0.00	0.14	0.01	0.15	0.00	0.01	0.02		152.41		0.01		152.57

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88	0.00	3,233.11		0.47		3,242.90
Total	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88	0.00	3,233.11		0.47		3,242.90

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.31	0.20	0.00	0.00	0.01	0.01	0.00	0.01	0.01		53.86		0.00		53.89
Worker	0.07	0.06	0.71	0.00	0.00	0.00	0.01	0.00	0.00	0.01		98.55		0.01		98.68
Total	0.10	0.37	0.91	0.00	0.00	0.01	0.02	0.00	0.01	0.02		152.41		0.01		152.57

3.4 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69		3,233.11		0.43		3,242.06
Total	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69		3,233.11		0.43		3,242.06

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.28	0.18	0.00	0.02	0.01	0.03	0.00	0.01	0.01		54.01		0.00		54.04
Worker	0.06	0.06	0.64	0.00	0.12	0.00	0.12	0.00	0.00	0.01		96.52		0.01		96.65
Total	0.09	0.34	0.82	0.00	0.14	0.01	0.15	0.00	0.01	0.02		150.53		0.01		150.69

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69	0.00	3,233.11		0.43		3,242.06
Total	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69	0.00	3,233.11		0.43		3,242.06

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.28	0.18	0.00	0.00	0.01	0.01	0.00	0.01	0.01		54.01		0.00		54.04
Worker	0.06	0.06	0.64	0.00	0.00	0.00	0.01	0.00	0.00	0.01		96.52		0.01		96.65
Total	0.09	0.34	0.82	0.00	0.00	0.01	0.02	0.00	0.01	0.02		150.53		0.01		150.69

3.5 Paving - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05		2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05		2,393.42		0.35		2,400.79

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.21	0.00	0.22	0.01	0.23	0.01	0.01	0.02		180.97		0.01		181.21
Total	0.12	0.11	1.21	0.00	0.22	0.01	0.23	0.01	0.01	0.02		180.97		0.01		181.21

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05	0.00	2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05	0.00	2,393.42		0.35		2,400.79

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.21	0.00	0.01	0.01	0.02	0.01	0.01	0.02		180.97		0.01		181.21
Total	0.12	0.11	1.21	0.00	0.01	0.01	0.02	0.01	0.01	0.02		180.97		0.01		181.21

3.5 Paving - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05		2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05		2,393.42		0.35		2,400.79

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.21	0.00	0.22	0.01	0.23	0.01	0.01	0.02		180.97		0.01		181.21
Total	0.12	0.11	1.21	0.00	0.22	0.01	0.23	0.01	0.01	0.02		180.97		0.01		181.21

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05	0.00	2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05	0.00	2,393.42		0.35		2,400.79

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.21	0.00	0.01	0.01	0.02	0.01	0.01	0.02		180.97		0.01		181.21
Total	0.12	0.11	1.21	0.00	0.01	0.01	0.02	0.01	0.01	0.02		180.97		0.01		181.21

4.0 Mobile Detail

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.19	1.93	10.31	0.02	1.71	0.07	1.78	0.06	0.07	0.13		1,542.76		0.08		1,544.46
Unmitigated	1.19	1.93	10.31	0.02	1.71	0.07	1.78	0.06	0.07	0.13		1,542.76		0.08		1,544.46
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Single Family Housing	220.11	231.84	201.71	489,239	489,239
Total	220.11	231.84	201.71	489,239	489,239

4.3 Trip Type Information

	Miles			Trip %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW
Single Family Housing	12.40	4.30	5.40	26.10	29.10	44.80

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
NaturalGas Unmitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBtU	lb/day										lb/day					
Single Family Housing	2431.41	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBtU	lb/day										lb/day					
Single Family Housing	2.43141	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
NaturalGas Unmitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Single Family Housing	2431.41	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Single Family Housing	2.43141	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

DRG Los Coches

Santa Clara County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric
Single Family Housing	23	Dwelling Unit

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**		**Utility Company**	Pacific Gas & Electric Company
Climate Zone	4		2.2		
		Precipitation Freq (Days)	58		

1.3 User Entered Comments

Project Characteristics -

Land Use - Used actual size of lot.

Construction Phase - Assumed 15 month construction period.

Demolition -

Grading - Uses actual site acreage

Woodstoves - No fireplaces or woodstoves

Area Mitigation -

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2013	5.47	41.57	26.53	0.04	3.64	2.39	6.04	0.02	2.39	2.42	0.00	4,584.38	0.00	0.46	0.00	4,594.44
2014	46.68	26.98	19.94	0.04	0.22	2.05	2.28	0.01	2.05	2.06	0.00	3,373.42	0.00	0.43	0.00	3,382.52
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2013	5.47	41.57	26.53	0.04	1.34	2.39	3.73	0.02	2.39	2.42	0.00	4,584.38	0.00	0.46	0.00	4,594.44
2014	46.68	26.98	19.94	0.04	0.01	2.05	2.06	0.01	2.05	2.06	0.00	3,373.42	0.00	0.43	0.00	3,382.52
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	22.52	0.36	31.18	0.02		0.00	4.20		0.00	4.19	463.66	151.20		0.75	0.03	639.63
Energy	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Mobile	1.21	2.03	10.43	0.01	1.71	0.07	1.78	0.06	0.07	0.13		1,407.41		0.07		1,408.81
Total	23.76	2.61	41.71	0.03	1.71	0.07	6.00	0.06	0.07	4.34	463.66	1,844.66		0.83	0.04	2,336.43

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	1.30	0.02	1.97	0.00		0.00	0.01		0.00	0.01	0.00	3.46		0.00	0.00	3.54
Energy	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Mobile	1.21	2.03	10.43	0.01	1.71	0.07	1.78	0.06	0.07	0.13		1,407.41		0.07		1,408.81
Total	2.54	2.27	12.50	0.01	1.71	0.07	1.81	0.06	0.07	0.16	0.00	1,696.92		0.08	0.01	1,700.14

3.0 Construction Detail

3.1 Mitigation Measures Construction

3.2 Demolition - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.31	0.00	1.31	0.00	0.00	0.00						0.00
Off-Road	5.07	38.45	23.67	0.04		2.29	2.29		2.29	2.29		3,946.47		0.46		3,956.03
Total	5.07	38.45	23.67	0.04	1.31	2.29	3.60	0.00	2.29	2.29		3,946.47		0.46		3,956.03

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.28	3.01	1.78	0.00	2.13	0.10	2.23	0.02	0.10	0.11		494.02		0.01		494.31
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.07	0.00	0.19	0.01	0.20	0.01	0.01	0.01		143.89		0.01		144.11
Total	0.40	3.12	2.85	0.00	2.32	0.11	2.43	0.03	0.11	0.12		637.91		0.02		638.42

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.31	0.00	1.31	0.00	0.00	0.00						0.00
Off-Road	5.07	38.45	23.67	0.04		2.29	2.29		2.29	2.29	0.00	3,946.47		0.46		3,956.03
Total	5.07	38.45	23.67	0.04	1.31	2.29	3.60	0.00	2.29	2.29	0.00	3,946.47		0.46		3,956.03

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.28	3.01	1.78	0.00	0.02	0.10	0.11	0.02	0.10	0.11		494.02		0.01		494.31
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.12	0.11	1.07	0.00	0.01	0.01	0.01	0.01	0.01	0.01		143.89		0.01		144.11
Total	0.40	3.12	2.85	0.00	0.03	0.11	0.12	0.03	0.11	0.12		637.91		0.02		638.42

3.3 Site Preparation - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.14	0.00	0.14	0.00	0.00	0.00						0.00
Off-Road	4.20	34.71	18.00	0.04		1.65	1.65		1.65	1.65		3,917.77		0.37		3,925.62
Total	4.20	34.71	18.00	0.04	0.14	1.65	1.79	0.00	1.65	1.65		3,917.77		0.37		3,925.62

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.66	0.00	0.12	0.00	0.12	0.00	0.00	0.01		88.55		0.01		88.68
Total	0.07	0.07	0.66	0.00	0.12	0.00	0.12	0.00	0.00	0.01		88.55		0.01		88.68

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.14	0.00	0.14	0.00	0.00	0.00						0.00
Off-Road	4.20	34.71	18.00	0.04		1.65	1.65		1.65	1.65	0.00	3,917.77		0.37		3,925.62
Total	4.20	34.71	18.00	0.04	0.14	1.65	1.79	0.00	1.65	1.65	0.00	3,917.77		0.37		3,925.62

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.66	0.00	0.00	0.00	0.01	0.00	0.00	0.01		88.55		0.01		88.68
Total	0.07	0.07	0.66	0.00	0.00	0.00	0.01	0.00	0.00	0.01		88.55		0.01		88.68

3.4 Building Construction - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88		3,233.11		0.47		3,242.90
Total	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88		3,233.11		0.47		3,242.90

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.31	0.24	0.00	0.02	0.01	0.03	0.00	0.01	0.01		53.48		0.00		53.52
Worker	0.07	0.07	0.66	0.00	0.12	0.00	0.12	0.00	0.00	0.01		88.55		0.01		88.68
Total	0.10	0.38	0.90	0.00	0.14	0.01	0.15	0.00	0.01	0.02		142.03		0.01		142.20

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88	0.00	3,233.11		0.47		3,242.90
Total	5.20	28.63	19.52	0.04		1.88	1.88		1.88	1.88	0.00	3,233.11		0.47		3,242.90

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.31	0.24	0.00	0.00	0.01	0.01	0.00	0.01	0.01		53.48		0.00		53.52
Worker	0.07	0.07	0.66	0.00	0.00	0.00	0.01	0.00	0.00	0.01		88.55		0.01		88.68
Total	0.10	0.38	0.90	0.00	0.00	0.01	0.02	0.00	0.01	0.02		142.03		0.01		142.20

3.4 Building Construction - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69		3,233.11		0.43		3,242.06
Total	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69		3,233.11		0.43		3,242.06

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.28	0.22	0.00	0.02	0.01	0.03	0.00	0.01	0.01		53.62		0.00		53.65
Worker	0.07	0.06	0.60	0.00	0.12	0.00	0.12	0.00	0.00	0.01		86.69		0.01		86.81
Total	0.10	0.34	0.82	0.00	0.14	0.01	0.15	0.00	0.01	0.02		140.31		0.01		140.46

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69	0.00	3,233.11		0.43		3,242.06
Total	4.75	26.63	19.13	0.04		1.69	1.69		1.69	1.69	0.00	3,233.11		0.43		3,242.06

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.03	0.28	0.22	0.00	0.00	0.01	0.01	0.00	0.01	0.01		53.62		0.00		53.65
Worker	0.07	0.06	0.60	0.00	0.00	0.00	0.01	0.00	0.00	0.01		86.69		0.01		86.81
Total	0.10	0.34	0.82	0.00	0.00	0.01	0.02	0.00	0.01	0.02		140.31		0.01		140.46

3.5 Paving - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05		2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	**3.90**	**24.53**	**16.67**	**0.03**		**2.05**	**2.05**		**2.05**	**2.05**		**2,393.42**		**0.35**		**2,400.79**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.13	0.12	1.12	0.00	0.22	0.01	0.23	0.01	0.01	0.02		162.54		0.01		162.77
Total	**0.13**	**0.12**	**1.12**	**0.00**	**0.22**	**0.01**	**0.23**	**0.01**	**0.01**	**0.02**		**162.54**		**0.01**		**162.77**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.90	24.53	16.67	0.03		2.05	2.05		2.05	2.05	0.00	2,393.42		0.35		2,400.79
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	**3.90**	**24.53**	**16.67**	**0.03**		**2.05**	**2.05**		**2.05**	**2.05**	**0.00**	**2,393.42**		**0.35**		**2,400.79**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.13	0.12	1.12	0.00	0.01	0.01	0.02	0.01	0.01	0.02		162.54		0.01		162.77
Total	**0.13**	**0.12**	**1.12**	**0.00**	**0.01**	**0.01**	**0.02**	**0.01**	**0.01**	**0.02**		**162.54**		**0.01**		**162.77**

3.6 Architectural Coating - 2014

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	46.22					0.00	0.00		0.00	0.00						0.00
Off-Road	0.45	2.77	1.92	0.00		0.24	0.24		0.24	0.24		281.19		0.04		282.03
Total	46.67	2.77	1.92	0.00		0.24	0.24		0.24	0.24		281.19		0.04		282.03

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.02	0.02	0.15	0.00	0.03	0.00	0.03	0.00	0.00	0.00		21.67		0.00		21.70
Total	0.02	0.02	0.15	0.00	0.03	0.00	0.03	0.00	0.00	0.00		21.67		0.00		21.70

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	46.22					0.00	0.00		0.00	0.00						0.00
Off-Road	0.45	2.77	1.92	0.00		0.24	0.24		0.24	0.24	0.00	281.19		0.04		282.03
Total	46.67	2.77	1.92	0.00		0.24	0.24		0.24	0.24	0.00	281.19		0.04		282.03

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.02	0.02	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00		21.67		0.00		21.70
Total	0.02	0.02	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00		21.67		0.00		21.70

4.0 Mobile Detail

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.21	2.03	10.43	0.01	1.71	0.07	1.76	0.06	0.07	0.13		1,407.41		0.07		1,408.81
Unmitigated	1.21	2.03	10.43	0.01	1.71	0.07	1.76	0.06	0.07	0.13		1,407.41		0.07		1,408.81
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Single Family Housing	220.11	231.84	201.71	489,239	489,239
Total	220.11	231.84	201.71	489,239	489,239

4.3 Trip Type Information

	Miles			Trip %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW
Single Family Housing	12.40	4.30	5.40	26.10	29.10	44.80

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
NaturalGas Unmitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Single Family Housing	2431.41	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Single Family Housing	2.43141	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		286.05		0.01	0.01	287.79

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.30	0.02	1.97	0.00		0.00	0.01		0.00	0.01	0.00	3.46		0.00	0.00	3.54
Unmitigated	22.52	0.36	31.18	0.02		0.00	4.20		0.00	4.19	463.66	151.20		0.75	0.03	639.83
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.35					0.00	0.00		0.00	0.00						0.00
Consumer Products	0.89					0.00	0.00		0.00	0.00						0.00
Hearth	21.22	0.34	29.22	0.02		0.00	4.18		0.00	4.18	463.66	147.74		0.75	0.03	638.29
Landscaping	0.06	0.02	1.97	0.00		0.00	0.01		0.00	0.01		3.46		0.00		3.54
Total	22.52	0.36	31.19	0.02		0.00	4.19		0.00	4.19	463.66	151.20		0.75	0.03	639.83

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.35					0.00	0.00		0.00	0.00						0.00
Consumer Products	0.89					0.00	0.00		0.00	0.00						0.00
Hearth	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00		0.00	0.00	0.00
Landscaping	0.06	0.02	1.97	0.00		0.00	0.01		0.00	0.01		3.46		0.00		3.54
Total	1.30	0.02	1.97	0.00		0.00	0.01		0.00	0.01	0.00	3.46		0.00	0.00	3.54

APPENDIX B: HEALTH RISK ASSESSMENT METHODOLOGY

Calculation of Emissions

Total diesel particulate emissions were taken from the BAAQMD inventory of toxic emissions. The estimated annual DPM emission from the City Hall was 0.515 pounds per year, which equates to an annualized emission rate of 0.0000074 grams per second. The estimated annual DPM emission from the Nanogram Technology generated was 1.44 pounds per year, which equates to an annualized emission rate of 0.0000207 grams per second.

Concentration Modeling

The EPA-approved SCREEN-3 model was used to calculate an annual maximum concentration of diesel particulate at the closest on-site residence. The SCREEN-3 program calculated maximum concentration at the selected distance downwind from the source. The closest residential use to the City Hall generator was approximately 275 meters from the source. The closest residential use to the Nanogram Technology generator was approximately 150 meters from the source. The short-term concentration estimated by SCREEN-3 was converted to an estimate of annual average concentration using the 0.08 factor recommended by EPA guidance. SCREEN-3 output is attached.

Calculation of Dose

Prior to estimating the cancer risk, the first step is to estimate the dose by applying the following formula to concentration:

$$\text{Dose} = (C_{air} * DBR * EF * ED * CF) / AT$$

where:

Dose = dose through inhalation (mg/kg-day)
C_{air} = air concentration ($\mu g/m^3$) from air dispersion model
DBR = daily breathing rate (302 L/kg-day)
EF = exposure frequency (350 days/year)
ED = exposure duration (70 years)
CF = conversion factor of 10^{-6}
AT = averaging time (25,550 days or 70 years)

Age Sensitivity Factors

In accordance with Office of Environmental Health Hazard Assessment (OEHHA) revised health risk assessment guidelines[17] the calculation of cancer risk estimates

[17] OEHHA, *Air Toxics "Hot Spots" Program Risk Assessment Guideline, Technical Support Document for Cancer Potency Factors,* May 2009.

incorporated age sensitivity factors (ASFs) in the definition of the Cancer Risk Adjustment Factor (CRAF). OEHHA recommends weighting cancer risk by a factor of 10 for exposures that occur from the third trimester of pregnancy to 2 years of age, and by a factor of 3 for exposures that occur from 2 years through 15 years of age. Following BAAQMD guidance a CRAF of 1.7 was used.

Estimation of Cancer Risk

To estimate the cancer risk, the dose was multiplied by the cancer potency factor and the CRAF:

Cancer Risk = (Dose * CRAF * Cancer Potency Factor)

where:

Cancer Risk = risk (potential chances per million)
Dose = dose through inhalation (mg/kg-day)
CRAF = Cancer Risk Adjustment Factor
Cancer Potency Factor = toxicity factor (mg/kg-day^{-1})

```
06/19/12

11:47:12
  ***  SCREEN3 MODEL RUN  ***
  *** VERSION DATED 96043 ***

 C:\Users\Weatherman\My Documents\Business\Project Files\DRG Los Coches\CI

 SIMPLE TERRAIN INPUTS:
    SOURCE TYPE            =        POINT
    EMISSION RATE (G/S)    =     0.740000E-05
    STACK HEIGHT (M)       =       1.8288
    STK INSIDE DIAM (M)    =       0.0762
    STK EXIT VELOCITY (M/S)=      50.0000
    STK GAS EXIT TEMP (K)  =     620.0000
    AMBIENT AIR TEMP (K)   =     293.0000
    RECEPTOR HEIGHT (M)    =       1.8000
    URBAN/RURAL OPTION     =        URBAN
    BUILDING HEIGHT (M)    =       0.0000
    MIN HORIZ BLDG DIM (M) =       0.0000
    MAX HORIZ BLDG DIM (M) =       0.0000

 THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
 THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.


 BUOY. FLUX =    0.375 M**4/S**3;  MOM. FLUX =    1.715 M**4/S**2.

 *** FULL METEOROLOGY ***

 **********************************
 *** SCREEN DISCRETE DISTANCES ***
 **********************************

 *** TERRAIN HEIGHT OF    0. M ABOVE STACK BASE USED FOR FOLLOWING
DISTANCES ***

   DIST     CONC             U10M   USTK  MIX HT   PLUME   SIGMA   SIGMA
    (M)   (UG/M**3)   STAB   (M/S)  (M/S)    (M)    HT (M)   Y (M)   Z (M)
DWASH
 -------  ---------  ----  -----  -----  ------  ------  ------  ------
-----
    275.  0.2496E-02    6     1.0    1.0 10000.0   19.62   29.16   19.20
NO

  DWASH=   MEANS NO CALC MADE (CONC = 0.0)
  DWASH=NO MEANS NO BUILDING DOWNWASH USED
  DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED
  DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED
  DWASH=NA MEANS DOWNWASH NOT APPLICABLE, X<3*LB

      ***************************************
      *** SUMMARY OF SCREEN MODEL RESULTS ***
```

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*************************************

 CALCULATION          MAX CONC     DIST TO    TERRAIN
  PROCEDURE          (UG/M**3)     MAX (M)     HT (M)
--------------      -----------    -------    -------
SIMPLE TERRAIN      0.2496E-02       275.         0.

**************************************************
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
**************************************************
```

06/19/12

11:44:10
*** SCREEN3 MODEL RUN ***
*** VERSION DATED 96043 ***

C:\Users\Weatherman\My Documents\Business\Project Files\DRG Los Coches\NANOGRAM

SIMPLE TERRAIN INPUTS:

SOURCE TYPE	=	POINT
EMISSION RATE (G/S)	=	0.207000E-04
STACK HEIGHT (M)	=	1.8288
STK INSIDE DIAM (M)	=	0.0762
STK EXIT VELOCITY (M/S)	=	50.0000
STK GAS EXIT TEMP (K)	=	620.0000
AMBIENT AIR TEMP (K)	=	293.0000
RECEPTOR HEIGHT (M)	=	1.8000
URBAN/RURAL OPTION	=	URBAN
BUILDING HEIGHT (M)	=	0.0000
MIN HORIZ BLDG DIM (M)	=	0.0000
MAX HORIZ BLDG DIM (M)	=	0.0000

THE REGULATORY (DEFAULT) MIXING HEIGHT OPTION WAS SELECTED.
THE REGULATORY (DEFAULT) ANEMOMETER HEIGHT OF 10.0 METERS WAS ENTERED.

BUOY. FLUX = 0.375 M**4/S**3; MOM. FLUX = 1.715 M**4/S**2.

*** FULL METEOROLOGY ***

****
*** SCREEN DISCRETE DISTANCES ***
****

*** TERRAIN HEIGHT OF 0. M ABOVE STACK BASE USED FOR FOLLOWING DISTANCES ***

DIST (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)	DWASH
150.	0.1096E-01	4	1.0	1.0	320.0	13.26	23.54	20.80	NO

DWASH= MEANS NO CALC MADE (CONC = 0.0)
DWASH=NO MEANS NO BUILDING DOWNWASH USED
DWASH=HS MEANS HUBER-SNYDER DOWNWASH USED
DWASH=SS MEANS SCHULMAN-SCIRE DOWNWASH USED
DWASH=NA MEANS DOWNWASH NOT APPLICABLE, X<3*LB

****

*** SUMMARY OF SCREEN MODEL RESULTS ***
****

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN HT (M)
SIMPLE TERRAIN	0.1096E-01	150.	0.

****
** REMEMBER TO INCLUDE BACKGROUND CONCENTRATIONS **
****

M

CITY COUNCIL TRANSPORTATION & LAND USE SUBCOMMITTEE
Approved Meeting Minutes

Date/Time: Tuesday, January 24, 2012, 6:00 pm

Where: City Hall Committee Conference Room

Attendants: Council Member Gomez (Chair), Council Member Polanski,

Quorum was established

1. **Call to order**

   The meeting was called to order at 6:00 pm.

2. **Public Forum** ***Please limit comments to 3 minutes***

   There were no comments during Public Forum

3. **Approval of Agenda & Minutes***

   The agenda and minutes were approved.

4. **Announcements**

   The Subcommittee did not have any announcements.

5. **Old Business**

   A. **Receive Testimony and Discussion Regarding Medical Marijuana Facilities**
   Chair Gomez informed Councilmember Polanski he had requested staff to compile, in memo format, suggestions on various land use recommendations. He reviewed the previous steps outlined in August, land use, regulations, taxation, outreach and details regarding a ballot initiative. He requested staff to put these items in a work plan. He asked the land use recommendations be discussed.

   Acting Director Diana Barnhart introduced Assistant Planner Janice Spuller to present this item. Ms. Spuller reviewed a power point presentation. Land use recommendations and issues included:

   - Quantity of allowable dispensaries- no more than 2
   - On-site vs. Off-site cultivation
   - Distance requirements prohibiting around sensitive uses such as: schools & child care facilities, residential neighborhoods, public facilities, and religious institutions. Ms. Spuller referred to two maps that illustrate a 1000' and 500 foot radius from these sensitive uses.

Ms. Spuller discussed additional land use regulations that can be incorporated such as hours of operation, lighting, signage, closed circuit TV, odor restrictions, on site consumption, and age requirements of employees.

Ms. Spuller presented the work plan which included this meeting's discussion on land use regulations; the February meeting on regulation and taxation and ballot measures; the March meeting to review the draft memo; and, the April City Council meeting for review and consideration.

Ms. Barnhart summarized the recommendations described in the memo. She stated the Highway Services zoning is the recommended location for the medical marijuana] facilities. With the sensitive receptors, the city is limited to this zoning area. Ms. Spuller referred to the maps where Highway Services are located. Councilmember Polanski pointed out industrial areas. Ms. Barnhart stated there can be exceptions to the zoning to consider the industrial areas because the numbers of dispensaries are limited.

Councilmember Polanski said the Highway Services area would make sense for one dispensary. She added that looking at the 1000' buffer, Industrial zoning can also be another location for dispensaries should the Council decide on having two in Milpitas.

Ms. Spuller offered that off- and on-site cultivation can be recommended with regulation. Producing on-site can be limited by square footage, quantity of plants, and can be in or outdoor of the property.

Chair Gomez asked if the hesitation towards industrial zones were job-based, employers, and/or office space? Ms. Barnhart agreed.

Chair Gomez asked why the dispensary in San Jose works and is in an industrial zoning. Ms. Barnhart stated staff is determining if the interpretation of cultivation is factory versus agriculture. Ms. Barnhart stated staff will actually visit a site to see the operation.

Ms. Spuller addressed Chair Gomez's questions about permitting. After reviewing with the City Attorney's office, staff recommends not requiring permitting. Some examples of approval process from other Cities are approval through staff through the City Manager's or City Clerk's office, Police Departments, and zoning administrator to name a few. Chair Gomez stated you can not necessary permit these facilities by Federal Law, but there needs to be a public process. Ms. Barnhart stated staff is providing information and desires the Subcommittee direction on how to proceed with the preferred process.

Chair Gomez asked about transferability. Ms. Spuller stated when a permit is issued or approved, it stays with the parcel, and should the business move, a new permit is required. However with this type of facility, if transferability is desired, then this is (or could be) included in the regulations.

Ms. Barnhart indicated that the Subcommittee, at its next meeting, can discuss costs associated with regulation and create a more formal recommendation on how to administer this matter.

Councilmember Polanski concurred that if there are two [dispensaries], they should be spaced 1000' apart. Also agreed no more than two [dispensaries]. Ms. Spuller clarified if the preferred buffer is 1000'. Chair Gomez agreed the 1000' buffer is more appropriate.

Chair Gomez confirmed if the meeting once a month will get the Subcommittee to the April meeting. Ms. Barnhart concurred with once a month..

Chair Gomez opened this item for public forum.

Rob Means, 1421 Yellowstone, stated he is glad to see this item moving forward even though the populace was requesting this 10 years ago. He asked if there really is a problem with using marijuana knowing it is fine as a medicinal drug, but as a recreational drug. He suggests heavily regulating and legalizing it and gets similar results as other countries and other pharmaceutical drugs. He discussed new names for the medicine that are market tested. He referred to a letter he received with statistics on causing more health problems on criminalized rules for drugs rather than decriminalizing it and regulating. If you decriminalize and regulate it, things seem to go well. He thanked the Subcommittee for the work they are doing.

B. Tobacco Prevention Policies Discussion

Chair Gomez asked if staff performed any more research. Ms. Barnhart stated staff has not done any further research.

Chair Gomez opened the public forum.

Dr. Roger Kennedy, chair of the tobacco free coalition for Santa Clara County, thanked the Subcommittee for having them back. He addressed the recreation department. He displayed two full containers of cigarette butts that were collected in one hour's time at a local park. He discussed the risk of children eating them. He stated San Jose has a ban on smoking in parks, showing a container with less cigarette butts due to the ban.

In regards to tobacco retail licensing and referred to his experience as an internal medicine doctor. He said a life-saving intervention is to not having a kid start smoking. He said the coalition is working really hard to not smoke. He stated it is really easy for kids to get cigarettes from convenience store. He discussed statistics of childhood addiction to cigarettes. He stated there needs to be more accountability for merchants.

Vanessa Marvin, employee of the American Lung Association and member of Healthy Milpitas Coalition. They are working on smoke free parks, dining, and tobacco retail licensing. They have endorsements (shared with staff) from the Parks and Recreation and Cultural Resources commission as well as reached out at community meetings, health fairs, Milpitas library on their campaign. This is an instance where the government is not doing enough to prevent children from purchasing cigarettes. Outdoor smoking can create health issues with those who have asthma. She urged the Subcommittee to continue work on this.

Shi Yeng from Breathe California, a local non-profit, discussed smoke-free outdoor dining. Out of the 217 restaurants in Milpitas, 1/5 of restaurants have outdoor areas and half of them allow outdoor smoking. She discussed second hand smoke and how it is extremely harmful to children who are more likely to have bronchitis, asthma, irritation to eyes and ears. She stated outdoor smoking can sometimes equal indoor smoking in particulate air pollution. The public is supportive of outdoor dining restriction, with 70% of Californians and 80% Santa Clara residents feel this should be banned immediately.

The Subcommittee directed staff to work on this project.

C. Update on Possible Moratorium on Land Use Conversions for Residential Development

Ms. Barnhart reviewed a power point presentation on land use conversions and provided a memo to the Subcommittee on the history of this item. Staff was hearing a lot about potentials for conversion of industrial areas for housing. The big issue was sewer capacity. In 2006 and 2009, the City purchased enough capacity from other agencies to provide for the buildout of the Transit Area and Midtown Specific Plan areas. For every acre of residentially zoned property (R2) it requires 8,500 gallons per day, R4, a higher density, requires 12,000 gallons per day, where industrial generates 400-600 gallons per day per acre. Changing land use is a significant hit on sewer capacity.

At build out in the Transit Area, 7,100 dwelling units and Midtown, 2800 units are anticipated. In the past few months, the City Council approved 2,700 units in the Transit Area. In the Midtown, 2,200 residential units are constructed: Terra Serena, Terra Luna and Paragon projects. There are 318 units under construction with Lyons, 204 units with Shea development, and coming forward South Main Senior Lifestyles development.

At this point, Ms. Barnhart reviewed the 6 acre site once the Ooh La Lodge and Mobile Home Park, which calls for 380 dwelling units plus street amenities. The City purchased the property just north of this site. The developer has an option on two parcels between the City parcels to expand the project. He requested City assistance to proceed. Staff supports this request, as a project of the Milpitas Economic Development Corporation (EDC), as it furthers the implementation of the Midtown Plan, providing 500-600 more dwelling units.

Ms. Barnhart requested, if the Subcommittee agrees, to move forward to purchase through the Economic Development Corporation for additional housing development. City Manager Tom Williams added that in order to build out Main Street, they use the EDC money to acquire the land and use it as an asset and leverage its investment. He restated redevelopment is no longer available.

Ms. Barnhart discussed conversions and gave the examples of Fairfield Murphy Ranch, in construction which is 600 units, and Landmark Towers, 3 acres with numerous units, and Los Coches Avenue near Sinclair Frontage to the old Read Rite building, 50 acres rezoned from industrial to Town Center, allowing for residential development. The City has reacted to many interests for conversions.

Staff recommends proceed with the moratorium to prevent additional conversions.

6. New Business

Ms. Barnhart discussed all items under New Business along with Item 5C. Items 6A & 6B were discussed together as they are both Industrial Land Use Conversions. Items 6C & 6D were then discussed as they are on the same property. A discussion and direction from the Subcommittee on all items from 5C – 6D are summarized at the very end collectively.

A. Preston Pipeline Residential Development Proposal (KB Homes)

B. CA Circle Residential Development Proposal (Trumark)

C. Read Rite Single Family Residential Proposal (Braddock & Logan)

D. Los Coches Single Family Residential Proposal (Doyle Heaton)

Ms. Barnhart discussed the technical planning issues associated with the location of the Preston Pipeline Project. Staff accepted the application to allow them to present to the Council.

Ms. Barnhart then discussed the CA Circle requiring a conversion from industrial to residential. Staff can support a conversion for the east side of California Circle and recognized a mixed use zoning with complementary uses. Trumark has an application in for preliminary review.

Ms. Barnhart stated the two projects that would be considered for the land use conversion.

Ms. Barnhart reviewed this project located south of Calaveras Boulevard, west of Milpitas Boulevard, and north of Los Coches. This project is a single family residential project request.

Ms. Barnhart stated this is a single family proposal, which the City envisioned a higher density. Mr. Doyle Heaton is the developer of the proposal on the corner of Los Coches and Milpitas Boulevard. Staff recommended that this project would work better if combined with the property owned by Braddock & Logan.

Staff concern was the need for retail on Milpitas Boulevard. Ms. Barnhart stated the vision has always been for high density however the market has changed. She asked what the Subcommittee thought about these projects.

Councilmember Polanski stated her concern about all these implications of long tern costs to the City these projects will have with the absence of redevelopment; specifically, what can we do relative to taking care of infrastructure, parks, streets, and public safety issues? She asked if there are options the City can utilize if we do these conversions, so that the homeowners are responsible for some of that. Mr. Williams stated they can require the formation of a Homeowners Association and also they started a Community Facilities District (CFD) that requires an in lieu fee for a revenue stream for street maintenance, lighting, and infrastructure maintenance. The newest CFD was adopted in 2008 which includes public safety. Ms. Barnhart stated it is about $500.00 per unit.

Mr. Williams stated the zoning for the Los Coches/Milpitas Boulevard projects are permitted, however the ones at Preston and California Circle require a General Plan land use amendment.

Council Member Polanski stated her other concern is jobs-housing balance. She is not as concerned about retail in the [Los Coches area], because there is the Town Center and the Serra Center, which she is hoping for something, and noted McCarthy is almost dead, how will retail help at this project site. Mr. Williams clarified it is more commercial than retail, and would rather have this instead of 7 homes along the boulevard, which might seem awkward. Mr. Williams stated staff will work with the owners on the site planning.

Council Member Polanski directed her attention to the developers and owners and stated her concern of the loss of redevelopment that they move forward in the best interest of the City, continuing the balance to provide services for the community.

Chair Gomez agreed with Council Member Polanski and added he does not know what the City will look like after the City Manager brings forward the $8 million budget cuts. He needs to know what the impacts are on the current residents. Mr. Williams clarified $7 million is staffing cuts plus $7-10 million in annual capital improvement program cuts, leaving the city at about $18 million cuts. Council Member Gomez asked about a cursory review, not a full General Plan review, looking at the jobs-housing balance; updating the plan; and, process timeframe. Mr. Williams stated it would be a 6 month process to look at the General Plan and perform fiscal impact analysis based on number of rooftops and what that is on a per capita cost basis to maintain the residential population weighed against new rooftops and buying power to strengthen retail and commercial base.

The Subcommittee found this reasonable and the purpose of the moratorium on land use conversions.

Council Member Polanski stated when the other housing conversions were approved; she voted "no" based on where they were located and her concerns then about the services.

Mr. Williams stated if there was true interest from the development community, they would assist in paying for the [General Plan/Fiscal Impact] study and work hand in hand to create the project. If they are not willing to assist, then it would be telling in itself, per Mr. Williams

Mr. Williams summarized to proceed with the moratorium, but stated the Preston Pipelines and California Circle projects are already in the application process. He asked if the projects in process should be included in the moratorium, or be exempt.

Chair Gomez asked what the status is of the projects. Mr. Williams stated Preston Pipelines is doing analysis right now, with an estimated 3 month time. He is unsure about the California Circle project. Chair Gomez debated if Preston Pipelines should be its own village or an extension of Midtown.

There was a discussion on current approved and in-progress projects within the City.

Chair Gomez opened the item for public forum.

Chris Davenport from Trumark Companies requested clarity on the Subcommittee recommendation. This is Trumark's second project in the City. In regards to CA Circle, Trumark made commitments with the seller to go forward to bring this opportunity to this area of the City of Milpitas. He urged the Subcommittee to consider because they are further along in the project. They have firm hard dates based on entitlement schedules Trumark anticipates on getting approved.

Council Member Polanski stated they can proceed but there is no guarantee what could happen when reviewed. Mr. Davenport agreed.

Doug Heaton spoke for the Los Coches site, and wanted confirmation they are out of the moratorium because they have the Town Center zoning, 1-40 units per acre. There was talk about higher density. He showed a list of 4,000 units approved for multi-family condos and apartments. He stated some are being built and some are not. He stated

what works for this location is higher density, single family detached housing. He said retail is not economical of the site.

Doyle Heaton, also the father of the previous speaker, in support of the Los Coches site, also confirmed their zoning allows for the single family housing and made sure they are not part of the moratorium.

Eldon Shreve, 702 Wessex Place, Milpitas. He is a resident of Milpitas over 50 years and discussed the schools he attended and the changes in the town. He is the managing member of 375 Los Coches. JDS Uniphase was their tenant for many years, though they have vacant for many years, and they have maintained the building. He was first unsure of the rezone of the Los Coches to Town Center, but now feels this is a good opportunity for the City and himself. He is concerned the property of Read Rite is not maintained. It is difficult to keep a tenant ready with the deterioration of the party. He does feel it is important for the single family. It will look a lot better than what he sees now. If we don't entertain this use, what will we do? He strongly supports the project and would like to see it move forward.

Jeff Lawrence with Braddock and Logan stated he is in discussion with the Heatons, the Read Rite owner and iStarr, another property owner in the area. As redevelopment is a big blow to a lot of cities and potentially good projects, it also allows cities and developers to rethink mixed-use and high density projects. One interesting point of high density, that the real estate community is beginning to understand, is that there is a $500-800 per month HOA assessment for these projects. He referred to a high-density project in Dublin, California, where people from this area are moving from high density residential to single family homes. He also alluded to higher test scores for schools. He indicated that her considered the Preston site, but did not pursue it, stating there were a lot of issues such as the railroad as the stumbling block. He agreed that the transit area makes sense for higher densities. He has built high density single family near I-680. This site is getting more and more unsightly and this project would benefit greatly from this single family high density project. A market study the sales prices would be around the low $700,000s.

Mr. Williams stated the fiscal impact is all discretionary permit and staff can require the developers to perform a fiscal analysis study.

Chair Gomez confirmed the General Plan process has to go through the City Council for approval. Mr. Williams stated yes.

Ms. Barnhart summarized there will be a 6 month moratorium, with the two projects (Preston Pipelines and California Circle) exempt from the moratorium. If more time is needed, then staff will go to Council to extend the moratorium. South Main Street Lifestyles will be reviewed during close session by the City Council.

The Subcommittee agreed with the recommendations summarized by Ms. Barnhart.

7. Other Business

Ms. Barnhart confirmed the time for meeting at 5:00 pm. Ms. Barnhart stated staff will review agenda items so they are not too full of heavy items.

8. Adjourn

The meeting adjourned at 7:32 pm.

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CITY COUNCIL TRANSPORTATION & LAND USE SUBCOMMITTEE
Approved Meeting Minutes

Date/Time: Wednesday April 18, 2012, 2:00 pm

Where: City Hall Committee Conference Room

Attendants: Council Member Gomez (Chair), Council Member Polanski,

Quorum was established

1. **Call to order**

The meeting was called to order at 2:00 pm.

2. **Public Forum** ***Please limit comments to 3 minutes***

There were no speakers during public forum

3. **Approval of Agenda & Minutes***

The agenda and minutes were approved. The Subcommittee requested item 5B on the agenda be discussed prior to 5A

4. **Announcements**

There were no announcements

5. **Old Business**

A. Medical Marijuana Facilities Update
This item was discussed after item 5b Review of Doyle Heaton Project at Los Coches and S. Milpitas Blvd.

City Manager Tom Williams shared a policy put together by Felix Reliford and legal counsel. Mr. Williams had Mr. Reliford walk through the policy and there will be a brief legislative update.

City Attorney Mike Ogaz stated Mr. Reliford will report on the policy, Assistant City Attorney Bryan Otake will provide an update on legal issues, and he will report on AB 2321, recent proposed legislation, which was pointed out in today's newspaper.

Mr. Reliford reviewed page by page the important features of the ordinance. The first page is the purpose and intent of the ordinance, a definition of the health and safety code. The third provision is important as it limited the number of dispensaries to two. It also safe guards from sensitive uses, as it can not be located within 1000 feet of residential area, schools, park, library, day care facility, religious institutions, or other facility frequented by minors.

Council Member Polanski asked about the 1000 feet. Is there anything that can be added for 1500 feet instead? Mr. Ogaz stated to the extent that it is such a huge area that it creates a prohibition, because of the Supreme Court, but this would have to be reviewed. She asked if there is any distance for other areas, such as adult entertainment. Mr. Reliford stated they

are restricted to zoning district. In addition, he added this is highway services which isolates the locations.

Mr. Reliford continued, that application and procedures would be reviewed by the Planning Commission, allowing conditioning the permit and revoking it. Council Member Gomez thought we can not permit. Mr. Ogaz stated that there are conflicts: permitting would attempt to override federal law, however another scheme, or in use of another word, would be devised. Council Member Gomez clarified, that the policy would include the permitting process as a preference, until things work out [legally]. Mr. Ogaz concurred as this is a policy document.

Mr. Reliford reviewed the second page and the application and submittal requirements, which is 24 items through page 5. The biggest considerations are the tax history of the business, criminal background. Council Member Polanski asked regarding the verification of age, the requirement for the age of 18 or older. Mr. Otake stated for public health and safety reasons, not necessarily for a state reason. Mr. Ogaz added, in order to operate a business, the owner must be some kind of adult, though a patient can be under the age of 18. Council Member Polanski stated 18 just seem young. Mr. Reliford asked 21? Mr. Ogaz stated creating an older age requirement may create some legal issues, but staff can look into it.

Council Member Polanski added if someone wanted a permit, do we usually verify the age? Chief Graham stated he think it is almost impossible to lease a building if a person is not a legal adult. Mr. Otake stated the legal age for business transactions is usually 18. Council Member Polanski stated okay.

Mr. Reliford continued to review the items for submittal requirements, including site and floor plan, information about distance requirements, a map, lighting plan, City authorization, and statement of owners consent. In addition, the policy includes investigation by the Police department to perform background checks. Mr. Reliford asked if item number 7 on page 6, regarding a 10 day extension time for incomplete application. Council Member Polanski suggested 10 business days. Mr. Ogaz stated if there is a land use application, there really is no time line to complete it. Mr. Ogaz asked there is a reason for a limitation, so this may not be something they want to have. If the applicant doesn't want to complete their application, then they don't have to. Mr. Reliford stated with a Planning application, staff has 30 days to deem it complete. Mr. Ogaz questioned if this was a necessary limitation that would invite litigation. Council Member Polanski asked if 30 days, after it is deemed complete. If it never complete, the time line never starts.

Mr. Reliford asked Chief Graham, if there was a time line to include response. Chief Graham needs time to review, which will be 45 days after completion of the investigation. Mr. Ogaz stated there should be a time frame to perform the investigation. He added, at some point, there needs to be a point to file fees. There has to be a cut-off point, where they have to process their application or they have to reapply with new fees. Maybe it is 30-days instead of 10-days, and then they would have to reapply. Chief Graham stated whatever the time frame for the massage parlor is suitable for this review, which they believe is 60 days.

Mr. Ogaz asked this document for staff consideration or for Planning Commission review. Mr. Reliford stated this is left open for decision.

Mr. Reliford reviewed the *Criteria for Review* from the policy. He stated they have given the Police department leverage and regulations for health, peace or safety of persons living or working in the surrounding area.

Council Member Polanski stated anything that refers to ten days should be ten working days.

Mr. Reliford asked Mr. Ogaz can this permit be denied. Mr. Ogaz stated with some changes, it can be changed to more of a policy document, which in that case, should not have a denial. He suggested staff go back and look at that.

Mr. Reliford went on to discuss *Suspension and Revocation and Transfer of Permits.* He reminded the Subcommittee, a Use Permit is tied to the land and it is only permitted in the Highway Services. Mr. Reliford went onto review the 10th page regarding fees. In regards to taxing, Mr. Reliford says staff has not touched and would have to go back and discuss that at another time.

In regards to *Operations Standards,* he stated they will change hours of operations from 7 am to 11 am. Item D on Page 11, in regards to *Consumption Restrictions*, Mr. Reliford, clarified with Mr. Ogaz regarding on-site consumption. Mr. Ogaz added he would not it not-onsite and not within 200 feet. Mr. Ogaz referred to page 18, and regards to the age requirements. He stated this item made sense and the discussion on employees. He said enforcement, under 18, would require going to juvenile court, he would prefer that all persons working on the premises and owning the business as adults.

Council Member Polanski asked regarding consumption, if there are creams or lotions, is that considered consumption. Mr. Ogaz stated consuming, is more of use, as opposed to eating. Council Member Gomez added that his understanding is the on-site use. Mr. Ogaz stated this item on consumption can be broadened.

Mr. Reliford reviewed the 12th page on operation standards including *Law Enforcement*, which would require security cameras, and contact information for Milpitas Police Department. Page 13 discussed *Site Management, Trash, Litter, Graffiti, and Compliance with Other Requirements.*

On Page 14, *Annual Review,* Mr. Reliford stated he would like to add there would be a six month review from the initial approval, then one year from then, which would be 18-months. This would establish the dispensary as a business, then subsequent review from law enforcement.

Mr. Reliford concluded his review of the policy.

Council Member Gomez asked if staff reviewed on site versus off site cultivation. Council Member Gomez said if that's an open question, he'd be happy to leave it out. Mr. Ogaz stated in conjunction with legislation, you may not be able to have a stand-alone dispensary. He stated Mr. Otake would discuss [legislation] further.

Mr. Otake stated as directed, staff presented the City of Lake Forest case. The last case, held this court of appeal decisions that dispensaries are authorized under state law only if they cultivate on site. If you cultivate off-site and try to transfer it, according to the Lake Forest case, this would be illegal under state law. That was reported by City staff at the last Subcommittee meeting. Since then, the decisions were published, which created conflict with other decisions in the State of California. The Supreme Court has 4 decisions that are in conflict with each other, which will be consolidated together. With the recent Lake Forest decision, the Supreme Court can now have 5. To summarize, Mr. Otake, if the Supreme Court answers all the questions answered, there are issues such as 1) whether a City can ban dispensaries, 2) can it authorize dispensaries, 3) if they can authorize dispensaries, does it have to have on-site cultivation or can they include off-site transportation. He added

other things such as if you can only authorize with a permit or allow it to happen but prohibiting areas. All these questions are consolidated by the Supreme Court. The policy in front of you today is staff recommendations with policies based on what we know now, with the caveat that the California Supreme Court will set the rules, clarify rules. The League of California Cities expects a decision within the next 120 days.

Mr. Ogaz segued to Mr. Ammiano's Bill [AB 2312]. The bill attempts to create a state wide regulation of medical marijuana facilities. This required a board to be established that would have duties that would issue and/or deny registration of facilities, regulations, etc. The Bill would supersede City laws. This would prohibit dispensaries from operating without State approval. It would require a City or County no less than 1 medical marijuana dispensary per 50,000 residents. This City would then require 1 under this bill. Approval would have to happen within 180 days or deemed approved. A medical marijuana fund would be established where fee monies would be deposited and creates an interesting authorization to allow the City to levy, increase or extend taxation of sale, storage of consumption of medical marijuana for general purposes for a combined rate to not exceed 2.5%. It expands the taxing capabilities.

Mr. Ogaz continued the bill allows for local zoning but limited to the 1/50,000 population. It preempts local regulation if you don't have a zoning law. The Board of Medical Marijuana Enforcement (BMME) will create an ordinance if you don't have one. The BMME is created of physicians, law enforcement, residents and medical marijuana patients. The legislature would appoint one. He stated a total ban can be created by voter approval. The League of Cities wrote a letter to Mr. Ammiano which opposes his bill based on several concerns regarding the draft elements of the proposed bill, asking this bill be postponed until the Supreme Court ruling is complete. The timeline was that it was introduced February 24, and will go through the public health and safety commissions. It was withdrawn by his request. Mr. Ogaz concluded his update of the legislative front.

Council Member Gomez confirmed with Mr. Ogaz if you don't have something in place [ordinance or zoning] then you would have to follow state regulations. Mr. Ogaz stated if you have a zoning or permitting process, this proposed bill supersedes it. Council Member Gomez asked if it would be best to get out with a zoning ordinance prior to this Bill. Mr. Ogaz stated that if this is considered a permitting "scheme" then this bill can also be thrown out based on the Supreme Court decision. With the zoning ordinance, the City can possibly move forward.

Council Member Gomez envisioned a report by April/May timeframe to the City Council. This shows the Council where this project is at, not proposing anything, or making recommendations as of yet. He said what is missing is a cover memo or ARS putting things in context. He was thinking staff could type something up or even (to Council Member Polanski) if it's ready, they say hey look, there is some bullet points now, nothing is changing, and however recent court cases are changing. Council Member Gomez direct Mr. Ogaz to do a quick summary of legislation cases. He said to say we are researching this issue and it's better to be prepared and not waiting until any ruling deems or bans illegal dispensaries. Council Member Gomez added we are discussing this issues with the intent to protect the schools, neighborhoods, and businesses and avoid the over proliferation San Jose has. What we don't want is the state to take this over and adopt a one size fits all approach to the issue. We say this is a moving document and is subject to change. We aren't asking Council for approval but maybe we are looking for other suggestions and ideas as we keep tracking this issue. The reason we brought this to the Subcommittee is to have a public discussion.

Mr. Ogaz said turning this from proposed legislation and policy is to consider it as a model ordinance we are proposing. This is something we want the Council to consider for adoption at some point and time with modification as they deem fit. With the cases, we suggest not moving forward until the Supreme Court makes a decision.

Council Member Polanski agreed this is a starting point because the Supreme Court will make a decision in the next 60-120 days. We have the ban in place; we have the policy that has some good solid things in it if we can't ban them, that would protect our citizens with the concerns of our Chief [of Police]. Mr. Reliford clarified if this would be a memo or an ARS. The Subcommittee said it will be an ARS. Council Member Polanski passed a letter out. Her concern is as a Subcommittee we do our due-diligence. She said Linda Windisch sent a letter to the school Board memos and PTA members. Council Member Polanski read the letter regarding Mrs. Windisch's reference to the January TALU meeting minutes. She read the concerns of Mrs. Windisch's misunderstanding that the proposed number of dispensaries would be within 1000 feet of sensitive uses (schools, neighborhoods, religious facilities). This is incorrect and Council Member Polanski is concerned that this letter has gone to elected officials and how do we address this. Will the ARS go to PTA members, Superintendent and MUSD Board? Mr. Ogaz stated once the agenda goes out; staff can send it to these members and the on-site principals in the City. Council Member Polanski said separate from the political area, when someone going out there and spreading this type of fear and lies to the community, we should be able to do something to say this isn't' true. Don't be scaring our citizens for political garbage you want. She was wondering if there is something we would be able to do. She thinks it's important, especially the Superintendent and the governing [Milpitas Unified School] Board, because she wouldn't want these people to feel we are doing something that would any way ever endanger the schools, the children, or the community.

Council Member Gomez said he personally feels a follow up with an individual letter to these people [recipients of the Windisch letter] should be done. Council Member Polanski agreed.

Council Member Gomez said Council May 1 with the ARS Council Member Polanski agreed and stated the ban stays in place until we see what the Supreme Court does. Gomez said it's important we are studying the issue, not a proposal.

Mr. Ogaz said it's important if there are particular concerns of the Council irrespective of what the law ultimately says, there maybe issues, methodologies, etc that are disfavored. We should know about that. It would be unfortunate if we went down the road, if we had a concise specific ordinance to find out the majority of the council doesn't want to go that way. It is good to find out now, than going further into.

Mr. Ogaz said the ARS would be prepared for the first meeting of May.

B. Review of Doyle Heaton Project at Los Coches and S. Milpitas Blvd.
This item was discussed prior to item 5a Medical Marijuana Facilities Update.

Council Member Gomez stated the applicant requested this item be discussed to confirm items on this project on Los Coches and S. Milpitas Blvd.

Staff Felix Reliford, Acting Planning & Neighborhood Services Director, referred to an attachment of the January Transportation and Land Use Subcommittee which discussed this project. This was a proposed project with concerns that this area is affected by the [Land Use] Moratorium. This area is zoned Town Center designation, permitting housing. The issue was the clarity in the minutes in regards to the frontage of the property on Los Coches and South Milpitas Blvd. Mr. Reliford asked if it is appropriate for applicant to continue a

request for a full residential project or would it be more beneficial to the City to have commercial along the frontage of S. Milpitas Blvd at this area. Staff is requesting clarification prior to the applicant moving forward with the direction of the Subcommittee. In review of the previous minutes, staff could not quite tell what the direction is.

Council Member Gomez asked is how do we know if commercial works?

Mr. Reliford stated the developer looks at financial impact in getting commercial funding, which other developers have mentioned to him as well. Staff states they look at it as a land use and compatibility standpoint and what is appropriate for a site. Staff tries to give recommendations based on sound land use decisions.

Council Gomez asked can commercial work there; does Milpitas need another strip mall? Mr. Reliford said any commercial would have to be small. Mr. Reliford also reminded the Subcommittee that the Read-Rite site proposes another 50-70 units would less likely be suitable for commercial.

Council Member Polanski said with the Town Center and Serra Center across the street, she is concerned this is a small area and how does access and parking work? Mr. Reliford said the access would come from Los Coches, he doesn't believe a driveway from S. Milpitas Blvd. given the traffic patterns. Council Member Polanski asked what kind of retail would fit. Mr. Reliford stated it would be a small strip commercial if the Council desires 10,000-15,000 sf. He referred to an old plan the developer provided staff, and pointed out the frontage area. He stated the developer has concerns in regards to marketing and funding. In fairness to the developer, other developers stated they are having problems getting commercial funding.

Council Member Gomez asked if it's a 7-Eleven or Quiznos. Mr. Reliford agreed and possibly businesses that would attract businesses to the south. With about 15,000 sf, it will not be another town center. Council Member Gomez asked what the benefit would be. Mr. Reliford stated, tax benefit, theory housing doesn't pay for itself, but mostly taxes would be the biggest benefit.

Council Member Gomez noted staff didn't seem to have strong opinions about this. Mr. Reliford stated staff said other commercial areas, such as the Serra Center would provide much larger area for the City. Mr. Reliford said if there is housing, staff can make it work.

City Manager Tom Williams stated the only thing that comes to mind is the urban flow. To have residential on Milpitas Blvd. is somewhat of an issue and was hoping the developer would consider townhomes in order to install good urban design. He is not sure the developer would entertain this, but just throwing out the idea.

Council Member Polanski asked what the long-term vision of Milpitas Blvd. She knows in the Transit Area, what is the vision, such as Robson homes where Cal Skate used to be. Mr. Reliford stated obviously with Town Center, we do envision some type of commercial, which there are banks, and some type of housing which this is.

Council Member Polanski said she talked to the developers and pointed out one of the areas she expressed concerns, because of that intersection, how it would work. She is curious to hear about the high density with the retail, maybe. She stated she hoped for a Whole Foods or Trader Joes in another area.

The Subcommittee invited the developer to speak.

Ed McGovern, the representative from Doyle & Heaton; He also said Doyle and Eldon are the landowners. He thanked the Subcommittee to allowing them to come to the meeting. He said retail on the site, obviously had a number of discussions about it. The short answer, from a practical standpoint, from the market place standpoint, it would be a one-off retail store like a 7-Eleven or something like that. You have to think about the attraction, and what the people will come from. You have small shops in the retail mall areas north of Calaveras, with a number of them empty. What retail developers want is synergy, with foot traffic. A medical office building and two banks with a piece of empty property is what is currently there. He stated they have tried to do due-diligence and studied retail and empty retail space in Milpitas. He shared a graph. Mr. McGovern stated there is 40% empty retail space with the absorption space, still in the negative. There is more space emptying than people filling the empty spaces you have. Mr. McGovern stated the retail, in their open, would happen. They don't think it will be financed per their broker. Mr. McGovern stated he thinks they wouldn't have more than 10,000 sf if there were to be retail, given parking and other things.

Council Member Polanski gave the handout to staff for their records.

Mr. McGovern added, in regards to townhomes and high density, they did their due-diligence with the bankers on the product-type people are looking for, what can be financed, what can be bought or sold. He stated Milpitas has a lot of multi-family approved but not built and there is more of a demand for single family, big single family homes. He had discussion with Mr. Reliford, and said there is a demand for the units. Along with Braddock & Logan, they are looking at single-family. Residences can use the under-pass to patronize the stores [on North Calaveras Blvd], creating foot traffic.

Mr. McGovern stated they would love to get direction. They can finance and build it quickly and create traffic for the empty retail space.

Mr. Heaton added there is over 400,000 sf of retail empty. Showing the 40%, with no net leasing, every time it is leased, another goes out. He says there may be 10 years of retail supply without building big boxes. Mr. Heaton, stated by having heavy landscaping with berms, trees, fences, with 30 feet from the frontage, with access of Los Coches, they can make it work. He really thinks, with a 5th version, going back and forth, this is the best reiteration. As per a letter from their broker, retail is a non-starter. If that was the case, someone would have bought it already. Mr. McGovern stated this land was owned by a church and they are looking for more of a higher return on their land. Mr. Heaton stated he is available to discuss and staff has his contact information.

Council Member Polanski stated, looking from her window, putting anything like a 7-Eleven or sandwich shop doesn't make sense. Because you have the dental across the street, and the others, the vision doesn't seem to work. Mr. Reliford said they would only be concerned with the commercial retail that the developer would have to find. He also said, if it's the desire of the Subcommittee, staff will work with the developer for special treatment, because of the trucks and traffic at the intersection of Los Coches and Milpitas Blvd.

Council Member Polanski asked what she envisioned, is anything small enough, with a strip type mall, would not look good to her. She is not opposed to doing the houses, however she is really concerned, which she expressed to them, is Calaveras Blvd and Milpitas Blvd as a really busy, and dangerous intersection. Whatever takes place for that pathway and walking under so people can come to the Town Center and Beresford Center safely. Mr. Reliford stated the developers would have to improve that walkway to have safe accessibility for shoppers and strollers to travel. Council Member Polanski wants to make sure the pathway is lit. She is not opposed to it; as long as staff works with them to ensure that the residents

are buffered from the intersection. Council Member Gomez totally agreed with Council Member Polanski.

6. Other Business

There was no other business

7. Adjourn

The meeting adjourned at 3:14 pm.

O

REGULAR

NUMBER: **38.808**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING TITLE XI, CHAPTER 10, SECTIONS 2, 5, 13, AND 53 OF THE MILPITAS ZONING ORDINANCE TO CONDITIONALLY ALLOW LIVE-WORK UNITS WITHIN THE TOWN CENTER ZONING DISTRICT, FURTHER DEFINE LIVE-WORK UNITS, INTRODUCE LIVE-WORK UNIT SPECIFICATIONS, AND ADD THE LIVE-WORK PARKING REQUIREMENTS**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____ upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on March 19, 2013, an application was submitted by Doyle Heaton with DRG Builders Inc., 3480 Buskirk Avenue, Suite 260, Pleasant Hill, CA 94523, requesting to amend the text within the Zoning Ordinance to incorporate "live-work" units as a conditionally permitted use within the Town Center Zoning District, to introduce "live-work" specifications under Section 13 for Special Uses, and to further define "live-work" units in Section 2 for Definitions; and

WHEREAS, the Planning Commission recommended to the City Council to determine that the proposed zoning text amendment is exempt pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment. The proposed Zoning Ordinance amendment includes a text change to Sections 2 (Definitions), 5 (Commercial Zones), 13 (Special Uses), and Section 53 (Parking) of the Municipal Code; and

WHEREAS, the Planning Commission, during its March 27, 2013 meeting, reviewed the applicant's request to approve four live-work units at 375 Los Coches Boulevard and recommended a zoning text amendment to conditionally allow live-work units in the Town Center Zoning District; and

WHEREAS, the Planning Commission recommends that live-work units in the Town Center Zoning District will be compatible and complimentary; and

WHEREAS, on April 10, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and recommended approval of the text amendment; and

WHEREAS, the City Council finds the Zoning Ordinance text amendment to be consistent with the General Plan, and specifically guiding principles and policies 2.a-G-2, 2.a-g-3, 2.a-g-4, and 2.a-I-20, in that the addition of "live-work" units within the Town Center Zoning District provides a new type of housing and a compatible transition from single-family homes to commercial, cultural, and civic uses, and that the use will support the distinctive identity and image envisioned by the General Plan for the Town Center area; and

WHEREAS, the City Council finds the Zoning Ordinance text amendment will not adversely affect the public health, safety, and welfare in that the Town Center Zoning District and the addition of the "live-work" type of residential use will support both the residential and commercial/cultural/administrative/business type of uses allowed in the Town Center District; and

WHEREAS, the City Council finds that with the inclusion of the amendment to the Zoning Ordinance, the document will remain internally consistent.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 2.03 ("Definitions") of the Milpitas Municipal Code is hereby amended to change the definition of "live-work unit to read as follows:

> **"Live-Work Unit"** means a dwelling unit with a separate living space attached to a work space within the same unit. The work space and the living space must be occupied by the same tenant. Live-work uses allow one non-residential employee, more customers, and a broader range of uses than permitted in Home Occupations. See XI-**10-13.12 within Special Uses** for Live-Work Unit purpose, intent, and regulations.
>
> Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.(E). Additional uses covered by this designation include, but are not limited to:
>
> Art and craft work;
> Office only use;
> Accountant;
> Architects;
> Artists and artisans;
> Attorneys;
> Computer software and multimedia related professionals;
> Engineers;
> Fashion;
> Interior and other designers; and
> Commercial Service

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 5 ("Commercial Zones and Standards"), Table XI-10-5.02-1, 9. Residential Uses, of the Milpitas Municipal Code is hereby amended with the addition of "live-work" units as a conditionally permitted use within the Town Center Zoning District, which shall read as follows:

Use	**CO**	**C1**	**C2**	**HS**	**TC**
9. Residential Uses					
Live-Work Units	**NP**	**NP**	**NP**	**NP**	**C**

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title XI, Chapter 10, Section 13 ("Special Uses") of the Milpitas Municipal Code is hereby amended with the addition of a new "live-work" units entry, to be placed at the end of the section, which shall read as follows:

13.12 Live-Work Units

A. Purpose and Intent. The purpose of this Section is to control and regulate land use activities for the live-work unit. The intent of a live-work unit is to allow small-scale business activities in residential uses which meet certain standards. No portion of the live-work unit may be separately occupied or sold. Live-work uses are allowed one non-residential employee, and a broader range of uses than permitted in Home Occupations, and therefore are subject to granting of a conditional use permit to ensure compatibility.

B. Applicability. This Section shall apply to existing and new residential development that includes live-work units.

C. Review Requirements. Live-work units shall require the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Minimum Performance Standards

1. A business license and certificate of occupancy shall be obtained for every commercial space within the live-work units.

2. Living space shall occupy a minimum of 60% of the total gross floor area of the unit.

3. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to a residential use.

4. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.

5. The commercial component of a live-work unit shall be located on the first floor with the main entry facing the street or common pedestrian space. The residential unit shall have direct interior access to the commercial unit.

6. The residential unit shall provide additional exterior access to the main residential unit that is not through the commercial component.

7. Exterior Appearance: The commercial component of the live-work unit shall have a commercial, store front appearance located on the 1st floor of the home.

8. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage, or any accessory structure. Commercial outdoor storage use not permitted.

9. Shall demonstrate compliance with parking per Section 53 for required parking spaces.

10. Sign size, location, illumination and materials, shall be consistent with the architectural building design and approved through a master sign program.

11. Business shall not involve the use of hazardous materials or produce medical or hazardous waste, except those that are below permitted amounts in accordance with the California Fire Code and as amended by the Milpitas Municipal Code V-300-2.10.

12. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit.

13. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Department of Environmental Health standards.

14. The commercial use shall not create external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

15. Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section 10-13.(E).

E. Prohibited Uses

1. Any use not permitted within the underlying zoning district is prohibited along with the following:
    a. Adult-oriented businesses;
    b. Astrology;
    c. Palmistry;
    d. Massage;
    e. Sauna or spa;
    f. Pharmacy or drug store
    g. Head/smoke/tobacco shop;
    h. Tattoo and piercing;
    i. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
    j. All vehicle related uses such as auto sales, repair, or maintenance of vehicles including boats, motorcycles, or recreational vehicles;
    k. Places of assembly;
    l. Group instruction;
    m. Club or social organization;
    n. Religious assembly;
    o. Educational institutions;
    p. Motion picture theaters; and
    q. Sit down restaurants

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Title IX, Chapter 10, Section 53, Table 53.09-1 ("Number of Parking Spaces Required"), is amended with the addition of a new row for live-work unit parking requirement, which shall read as follows:

I. Residential Uses	
Live-Work Units	*Single family and duplexes* parking requirements shall apply, plus 1.5 for the commercial component

SECTION 6. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 7. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

P

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CALIFORNIA RECOMMENDING APPROVAL OF VESTING MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0003, CONDITIONAL USE PERMIT NO. UP12-0016 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA12-0005, TO DEMOLISH EXISTING STRUCTURE WITH ASSOCIATED PARKING LOT ON 2.7 ACRES AND CONSTRUCT 28 NEW SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AND FOUR LIVE-WORK UNITS, LOCATED AT 345 LOS COCHES STREET

WHEREAS, on December 27, 2011, an application was submitted by Doyle Heaton representing DRG Builders (applicant), 3480 Buskirk Avenue, Suite 260, Pleasant Hill, CA 94523, to allow the demolition of existing structures and the construction of 28 single-family dwellings and four live-work units, with associated streets and sidewalks. The property is located within the Town Center Zoning District (APN: 086-28-041, 086-38-003); and

WHEREAS, staff identified specific concerns with single-family residential dwellings abutting South Milpitas Boulevard, and noted that with the integration of commercial/live-work units near the arterial corridor and existing commercial office, staff could find the project to be consistent with the General Plan and Zoning Ordinance; and

WHEREAS, the Transportation and Land Use Subcommittee (TALU) reviewed the proposed project on January 24, 2012 and April 18, 2012, and provided comments regarding: the loss of Redevelopment Agency revenue; jobs-housing balance; fiscal impact; efforts to move the project forward in the best interest of the City; interest in the high density residential with retail; concerns about the busy and dangerous intersection location for homes; and efforts to ensure buffering from street intersection; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act, California Public Resources Code § 21000, *et seq*. (CEQA), and the Planning Commission recommended that the City Council adopt the Mitigated Negative Declaration; and

WHEREAS, on March 27, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. In accordance with the provisions of CEQA, an Initial Study/Mitigated Negative Declaration was prepared and properly circulated for public review wherein it was determined that environmental impacts could be reduced to a level of less than significant through implementation of project requirements and compliance with mitigation monitoring program and the City Council hereby approves the Mitigated Negative Declaration with monitoring program attached hereto as Environmental Impact Assessment No. EA12-0005.

3. The proposed project, including its subdivision, design and improvements, is consistent with the General Plan, particularly Policies 2.a-G2-4, and 2.a-I-20, 21, 25, and 27, in that the project as a whole provides a variety of housing types (live-work, and single-family residential) within a more compact urban form than was originally proposed, and as conditioned will be architecturally distinctive and add to Milpitas' identity and image. It proposes live-work units with commercial storefronts along South Milpitas Boulevard, which separates/buffers the residential homes from the heavily traveled arterial roadway (S. Milpitas Blvd).

4. In accordance with the Subdivision Map Act, the discharge of waste from the proposed major subdivision into the existing community sewer system would not result in violation of existing requirement of the California Regional Water Board.

5. As conditioned and subject to the rezone contingency stated herein, the project conforms to the Milpitas Zoning Ordinance due to the proposed placement of the live-work units along South Milpitas Boulevard, which provides the proposed commercial use near other commercial and cultural uses and acts as a compatible transition to the proposed single-family residential.

6. As conditioned and subject to the rezone contingency stated herein, the project conforms to the Milpitas Zoning Ordinance due to the proposed placement of live-work units with the architecturally designed store fronts facing South Milpitas Boulevard and the transition of single-family residential away from the heavily traveled arterial roadway. The commercial storefronts of the live-work units are compatible with neighboring properties and businesses.

7. The proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare in that the proposed placement of live-work units provides a commercial use along South Milpitas Boulevard which integrates the project with the neighboring commercial and cultural uses and which meets the intent of the Town Center Zoning District.

8. The City Council of the City of Milpitas hereby approves MT12-0002, SD12-0003, EA12-0005, and UP12-0016 for the Residential Project subject to the above Findings, and the Conditions of Approval and Mitigation Monitoring Program attached hereto as Exhibit 1 and Exhibit 2.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL
MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0003, CONDITIONAL USE PERMIT NO. UP12-0016 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA12-0005

A request to demolish an existing 19,600 square foot building with associated parking and to construct 28 new single family residential units and with four live-work units, totaling in 2,000 square feet of commercial use, along South Milpitas Boulevard on an approximate 2.7 acre site located at 345 Los Coches St. (APN 086-39-001 and 86-39-002).

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on March 27, 2013, in accordance with these Conditions of Approval.

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

3. Site Development Permit No. SD12-0003 and Conditional Use Permit No. UP12-0016 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be when the owner or designee:

a. Completes a foundation associated with the project; or
b. Dedicates any land or easement as required from the zoning action; or
c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

4. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of SD12-0003, UP12-0016 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

5. Prior to the issuance of building permits, the owner or designee shall include, within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

6. The project approval shall be contingent upon City Council approval of a General Plan Amendment, Specific Plan Amendment, and Zoning Amendment that changes the land use classification and zoning of the project site from Very High Density Mixed Use to Multi-family Residential, Very High Density. (P)

7. The property owner or designee shall work with staff on the Live-work commercial parking requirements to assure city Standards are met. (P)

8. The property owner or designee shall identify commercial parking spaces with signage. (P)

9. The property owner or designee shall submit a parking management plan for the live-work spaces, and once reviewed and approved by the City Attorney, shall record the document within the CC&Rs. (P)

10. Architectural metal bollards shall be located along EVA access from S. Milpitas Blvd. Color, style, and material subject to Planning Division approval during building permits. (P)

11. Prior to final map recordation, the developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)

12. Prior to final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer, consistent with the approved CLOMR. The drainage study shall analyze the existing and ultimate conditions and facilities, taking into account cumulative impacts for all projects within the affected area. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study. (E)

13. Water Supply and Force Majeure. The City currently has adequate water supply and sewerage treatment plant capacity allocation for this land entitlement approval project. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are material (demand/supply) conditions to this approval. However, this condition of approval applies in case of emergency declaration of supply assurance in the case of a major catastrophic event that restricts City's assurance to provide water supply, or allocated treatment plant capacity. This project shall be served by a master water meter. (E)

14. Prior to any building permit issuance, the developer shall submit an executed petition to annex the subject property into the CFD 2005-1, and agree to pay the special taxes levied by Community Facility District (CFD 2005-1) for the purpose of maintaining the public services. The petition to annex into the CFD shall be finalized concurrently with the final map recordation or prior to any building permit issuance, whichever occurs first. The developer shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. (E)

15. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:

a. Storm water connection fee of **$37,900** based on 33 units @ $1,100 per parcel and .334 acres @ $4,792 per acre for the park (open space).
b. Water connection fee of **$63,030** based on $1,910 per parcel.
c. Sewer connection fee of **$62,964** based on $1,908 per parcel.
d. Sewer Treatment Plant Fee (TPF) of **$29,040** based on $880 per dwelling unit.
e. Water Service Agreement(s) for water meter(s) and detector check(s).
f. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). *The above fees are preliminary estimates and subject to change with final map approval. (E)*

16. Prior to building permit issuance, the developer shall pay its fair share cost of purchasing adequate public system sewage capacity for the development. Fees shall consist of treatment plant fees up to the Master Plan level and connection fees. Fees for discharges above master plan levels for sewage collection system infrastructure improvements, and regional plant capacity needs (above the master plan capacities), as determined by the City Engineer. This amount is estimated to be **$8,801**, as of *November 2012* and to be adjusted by ENR at the time of payment. This fee is in addition to the City existing connection fee and treatment plant fee. (E)

17. Prior to any building permit issuance, the developer shall provide for adequate sewage pumping capacity at the Milpitas Main Sewage Pump Station for the respective developments. The developer can fulfill this obligation by payment of **$ 2,676** to the City for this purpose. This amount is as of *November 2012*, and to be adjusted by ENR at the time of payment. This fee is in addition to the City existing connection fee and treatment plant fee. (E)

18. Prior to building permit issuance; the developer shall pay its fair share cost of purchasing adequate public system water for the respective developments, including costs for capacity and storage needs above master plan capacities, as determined by the City Engineer. This amount is estimated to be **$12,765**, as of *November 2012*, and to be adjusted by ENR at the time of payment. This fee is in addition to the City existing connection fee and treatment plant fee. (E)

19. Prior to building permit issuance, the applicant shall contribute a "fair share" traffic impact fee in the amount of **$13,545** (based on Montague Expressway impact fee of $903 per peak hour trip, assuming 15 PM peak trip). (E)

20. Prior to building permit issuance, the applicant shall contribute a "fair share" traffic impact fee for the Calaveras Widening in the amount of **$8,963** (based on a $235 per dwelling unit and additional 4 units with 500SF commercial). This amount is as of *October 2008*, and to be adjusted by ENR at the time of payment. (E)

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

22. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AH (elevation 23)**. Therefore, floodproofing is required. Floodproofing can be accomplished by elevating of the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the Base Flood Elevation (BFE). The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion. In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment servicing the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit several FEMA Elevation Certificates to the City at different stages of the construction. Flood insurance is required for any construction that is financed with government backed loans. (E)

23. Prior to any building final/occupancy permit issuance, developer must have successfully processed LOMR application through FEMA, and obtained the LOMR for the project site. (E)

24. Developer shall comply with the new regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit (MRP) dated October 14, 2009. (E)

25. Storm Water Control Plan. Prior to any building permit submittal, owner or designee shall submit a Storm Water Control plan that incorporates best management practices (BMPs) for treatments of stormwater run off from all parcels. The Storm Water Control plan shall incorporate source control, site design and stormwater treatment requirements consistent with MRP requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current California Stormwater Quality Association (CASQA) BMP handbooks. Site design shall also include Low Impact Development (LID) Section C3.c.i.(2)(b) measures of harvesting and reuse, infiltration, or evaporate-transpiration. Biotreatment systems may be considered if the other LID measures are demonstrated to be infeasible. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the City Engineer.

a. Owner or designee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.
b. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.
c. Prior to issuance of Certificate of Occupancy, the owner or designee shall submit a Storm water Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance

procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the owner or designee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.

d. Owner or designee shall include in the approved CC&R, language in regard to providing the City with an annual inspection report of the Storm Water Control Plan post construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements. If the City does receive the report, City will conduct the field inspection and report, and the owner or designee and its successor shall be responsible to pay all associated costs.
e. Prior to Final occupancy, the owner or designee shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.
f. Owner or Designee shall comply with all "Model Conditions Of Approval For Stormwater Quality" as shown in the Stormwater Section of the Engineering Plans and Map Procedures and Guidelines, dated July 15, 2010 and are hereby incorporated as conditions of project approval. (E)

26. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the owner or designee's final Storm Water Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants. Any changes to the final Storm Water Control Plan shall require Site & Architectural ("S" Zone) Amendment application review. (E)

27. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the developer, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

28. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234.

A. Required regardless of service style: The developer shall meet all Engineering Design Guideline, City, and hauler requirements. The developer shall provide a map demonstrating that service clearances are met. This project is not eligible for yard trims service. The developer shall prepare a Solid Waste Handling Plan designating the normal locations for cart storage and the placement for service. CCRs shall clearly indicate responsibilities of homeowners including but not limited to: cart storage areas, and moving carts to and from cart service areas. CCRs shall clearly indicate the HOA responsibilities including but not limited to: City ordinance requires that HOA is responsible for solid waste service charges at developments served by master water meters; responding and resolving complaints involving litter, dumping, and scavenging; improper cart storage, and mediation

between property owners regarding carts. Prior to occupancy permit issuance, the property manager shall provide evidence to the City that a sufficient level of trash and recycling service has been secured from the City's hauler.

B. For single family style service: The developer is proposing single family style solid waste service. This project is required to procure mandatory hauler-provided 64 gallon cart subscription for trash and a separate mandatory hauler-provided 64 gallon cart subscription for recyclables for each dwelling and commercial space. Solid waste service is not provided on dead end alleys, driveways, or streets.

C. For shared solid waste and recycling service: The Solid Waste Handling Plan shall include calculations to size shared bins to hold one week of waste generation, and show how materials will be transferred from each dwelling unit to the shared bins located at the trash enclosure. The property manager shall provide carts, containers, and/or bags for the homeowners as described in the Solid Waste Handling Plan.

29. In accordance with Milpitas Municipal Code XI-1-7.02-2, the developer shall underground all existing wires and remove the related poles within the proposed development, with the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more do not have to be undergrounded. All proposed utilities within the subdivision shall also be undergrounded. Show all existing utilities within and bordering the proposed development, and clearly identify the existing PG&E wire towers and state the wire voltage. (E)

30. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall:

A. Provide separate water meters for domestic water service & irrigation service.

B. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. (E)

31. Per Chapter 6, Title VIII of Milpitas Municipal Code (Ord. No. 240), the landscape irrigation system must be designed to meet the City's recycled water guidelines and connect to recycled water system. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for design standards to be employed. In accordance with the recycle water requirements the developer shall:

a. Design the landscape irrigation for recycled water use. Use of recycled water applies to all existing rehabilitated and/or new landscape adjacent to existing or future recycled water distribution lines (except for rehabilitated landscape less than 2500 square feet along the future alignment).
b. Design the irrigation system in conformance to the South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. Prior to building permit issuance the City will submit the plans to the Department of Health Services (DOHS) for approval; this approval requires additional processing time. The owner is responsible for all costs for designing and installing site improvements, connecting to the recycled water main, and processing of City and Department of Health Services approvals. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain copies of design guidelines and standards.
c. Protect outdoor eating areas from overspray or wind drift of irrigation water to minimize public contact with recycled water. Recycled water shall not be used for washing eating areas, walkways, pavements, and any other uncontrolled access areas. (E)

32. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), the developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)

33. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric, SBC, Comcast, Santa Clara Valley Water District and Caltrans. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

34. Prior to start of any construction, the developer shall submit a construction schedule and monitoring plan for City Engineer review and approval. The construction schedule and monitoring plan shall include, but not be limited to, construction staging area, parking area for the construction workers, personnel parking, temporary construction fencing, construction information signage, and establish a neighborhood hotline to record and respond to neighborhood construction related concerns. The developer shall coordinate their construction activities with other construction activities in the vicinity of this project. The developer's contractor is also required to submit updated monthly construction schedules to the City Engineer for the purpose of monitoring construction activities and work progress. (E)

35. All utilities shall be properly disconnected before the building can be demolished. Show (state) how the water service(s), sewer service(s) and storm service(s) will be disconnected. The water service shall be locked off in the meter box and disconnected or capped immediately behind the water meter if it is not to be used. The sanitary sewer shall be capped off at the clean out near the property line or approved location if it is not to be used. The storm drain shall be capped off at a manhole or inlet structure or approved location if it is not to be used.

36. Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

A. What materials will be salvaged.
B. How materials will be processed during demolition.
C. Intended locations or businesses for reuse or recycling.
D. Quantity estimates in <u>tons</u> (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Applicant/Contractor shall make every effort to salvage materials for reuse and recycling. (E)

37. Prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division. (E)

38. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site. (E)

39. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

40. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. (E)

41. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

42. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 277-2755. (E)

43. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)

44. The developer shall obtain information from the US Postal Services regarding required mailboxes. Structures to protect mailboxes may require Building, Engineering and Planning Divisions review. (E) Fire staff has reviewed the proposed hazard mitigation measures within the Risk Assessment Plan (RAP) prepared by Environ International Corporation Prior to Certificate of Occupancy, an amendment to the risk assessment shall be information on the following items is needed to the satisfaction of the Fire Department.

a. The RAP conclusion indicates that an Emergency Action Plan (EAP) will be prepared and will address evacuation and shelter-in-place procedures. The RAP, however, does not address how or when the EAP will be activated. Will a monitoring system be installed that will activate an alarm, notify the residents of a toxic gas detection, and activating the EAP?
b. If a gas monitoring system will be installed, provide information on the minimum maintenance frequency for the system.
c. The RAP does not address how the residents will be notified of an alarm condition. Will an air horn be utilized? Will the monitoring system annunciate an alarm condition within each residence?
d. The RAP does not address training for residents of the development. When and how will the residents be instructed on the EAP? Additionally, will drills on the EAP be performed? If so, what is the minimum frequency for the drills? (F)

Vesting Tentative Map

45. The property owner or designee shall record an easement over the new proposed public trail, commercial parking lot. (P)

46. The final map shall be recorded prior to issuance of any building permit. Provide a current title report with your final map submittal, not more than 90 days old. (E)

47. The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. (E)

48. Prior to final map approval, the developer shall establish necessary homeowner association (HOA). Membership of the HOA shall include all owners. The HOA shall be responsible for the maintenance of the landscaping, walls, buildings, private street lights, common area and private streets and shall have assessment power. The HOA shall manage the onsite water and sewer system and implement the Solid Waste handling plan. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)

49. Prior to recordation of any final map, the developer shall submit to the City a digital format of the final map (AutoCAD format). All final maps shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)

50. The developer shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets, walkways, proposed trail connection and easements for water and sanitary sewer connection purposes. (E)

51. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Milpitas Boulevard, and Los Coches Street including but not limited to the following:

i. Removal and installation of new curb, gutter, sidewalk, street lights, landscaping, signage and striping, fire hydrants and bus stop.
ii. AC overlay of the entire width of Los Coches frontage of the project.
iii. Slurry seal the Milpitas Boulevard frontage from the street curb to the median.

Plans for all public improvements shall be prepared on Mylar (24”x36” sheets) with City Standard Title Block and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of

improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Milpitas standard drawing and specification, and shall be constructed to the city Engineer's satisfaction and accepted by the City prior to issuance of any final certificate of occupancy of any unit. (E)

52. Prior to or concurrent with final map approval applicant shall record a reciprocal easement to provide pedestrian access for the benefit of the proposed subdivision development on the west. (E)

53. Prior to final map approval developer shall successfully process and obtain CLOMR from FEMA National Flood Insurance Program for the proposed development, and mitigate any flood plain impacts. Any changes to the site plan to comply with this condition will require Planning approval. (E)

54. Make changes as noted on Engineering Services Exhibit "T" (dated 1/2/2013) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)

Site Development Permit

55. Plan One and Two, Tuscan homes shall incorporate the following:
    a. A weathered clay concrete tile roof and add decorative Tuscan style brackets under eaves, or classical Tuscan fascia trip with enclosed eve soffit, on first and second floor rooflines.
    b. The iron railing, shall be painted black and have heavy gauge crafted wrought iron appearance.
    c. The stucco shall be a smooth sand finish (20/30 grade or smoother).
    d. All window treatments shall be wood or a material that simulates a wood-like appearance.
    e. Window frames and mullions shall be a color that complements the architecture of the home, and not be white.
    f. Exterior lighting fixtures shall be used, black and of architectural style to complement the iron railing.
    g. Plan One Only - Swap the 2nd floor windows on the front elevation with the first floor windows on the front elevation.
    h. Plan Two Only – Front elevation, 1st floor window shall incorporate a bracketed roof brow and incorporate a wood or wood like window treatment as shown on Plan One.

    All materials, colors, and finishes shall be subject to Planning Division approval during building permits. (P)

56. Plan One and Two, Craftsman homes shall incorporate the following:
    a. Horizontal board siding shall wrap the entire home.
    b. The board and batt shall be changes to shingles.
    c. Flat concrete tile roof.
    d. Expose rafter tails on the sides.
    e. All roof gutter and down spouts to match or compliment house trim.

    All materials, colors, and finishes shall be subject to Planning Division approval during building permits. (P)

57. Plan One and Two, Traditional homes shall incorporate the following:
    a. Smooth Stucco finish (20/30 grade or smoother)
    b. All window treatments and balcony railing shall be wood or a material that simulates a wood-like appearance.
    c. Window frames and mullions shall be a color that complements the architecture of the home, and not be white.
    d. Concrete tile roof.

    All materials, colors, and the like to be at the desecration of the Planning Division threw the review and approval of building permits. (P)

58. Plan two English homes shall incorporate the following:
    a. Stucco shall be a Light Dash (30/30 grade).
    a. Concrete tile roofing
    b. All window treatments and balcony railing shall be wood or a material that simulates a wood-like appearance.
    c. Window frames and mullions shall be a color that complements the architecture of the home, and not be white.

d. Add decorative traditional cross base Tutor facade treatment above the second floor windows, and carry the decorative traditional cross base Tutor façade treatment down to the first window.
e. Eliminate the lower brackets on the 2nd floor window.
f. Apply stone rubble to column and under window near front door. The stone rubble shall wrap around side of house to the side yard fence.

All materials, colors, and finishes shall be subject to Planning Division approval during building permits. (P)

59. All 1st floor porches shall be a minimum of six feet deep. (P)

60. All raw gutter and down spouts to match house trim. (P)

61. All foam window treatments that do not simulate a wood like appearance shall be of smooth stucco. (P)

62. Exterior lighting fixtures shall be black and of architectural style that compliments the home. Material, color and design of lighting will be at the discretion of the Planning Division during building permits. (P)

63. Residential enhanced elevations include the west side of lots 1, 16, 19, 22, 23, 33, the east side of lots 13, 17, 20, 25, 28, the north side of 26, and the south side of 27. (P)

64. Where allowed by building code, all roofs overhangs shall be at least 12 inches. (P)

65. Decorative, colored, paving or pavers shall be incorporated at the main residential intersection, and possibly near commercial parking lot. All materials, colors, and finishes shall be subject to Planning Division approval during building permits. (P)

66. Live-Work Units:
a. In creating store fronts, staff shall be worked with on incorporating a base.
b. Commercial store front windows shall be recessed at least 18" and incorporate a transom window.
c. Commercial windows shall not use dark tinting. Light tinting is ok.
d. All the canopies shall be of rectangular shape and utilize a material that is long lasting and will not fade.
e. Awnings are not allowed to display signage or logos nor be internally illuminated.
f. A masonry precast cap for privacy walls between and around the commercial unit shall be incorporated on all live-work units.
g. Caps and bands shall have a smooth finish stucco.
h. Building stucco shall be a light dash (30/30 grade).
i. Store front wall lighting shall be subject to Planning Staff's approval.
j. Store front façade facing S. Milpitas Blvd. and Los Coches St. shall include a metal awning on the third floor (except lot 12).
k. All window treatments shall have a smooth finish stucco.
l. The roof material shall be standing metal and a color that compliments the building color.

All materials, colors, and finishes shall be subject to Planning Division approval during building permits process. (P)

67. Live-Work Building Signage:
a. Signage shall be architectural dye cut metal letters.
b. Signage shall be front illuminated with architectural grade and quality gooseneck lighting or similar style.
c. Signage shall be located over the storefront door, and awning as shown on the live-work elevation exhibit. (P)

68. Lot 8 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18"minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a mural of graphic design and illumination with the entire recessed wall area or equivalent design intent subject to staff approval. A recorded façade easement for this specific area or equivalent legal instrument shall be recorded on the property to the City of Milpitas for the purpose of design approval of any future changes. The maintenance of the public art is the responsibility of the property owner. (P)

69. The goose neck lighting shall be carried over to the extended portion of the pop-out wall. (P)

70. Lot 10 commercial façade along S. Milpitas Blvd. shall extend and match the first floor commercial façade rear edge of the building. This façade element shall be 18"minimum depth. The extended wall shall include a recessed area (12" min.) duplicating the adjacent commercial store front window and include a metal trellis for vertical landscaping or equivalent design intent. The goose neck lighting shall be carried over to the extended portion of the wall. (P)

71. Lot 12 trail side privacy wall shall be smooth stucco finish with precast concrete cap. All materials, colors, and finishes shall be subject to Planning Division approval during building permits. (P)

72. Final sidewalk paving and/or pavers and landscaping at Los Coches St. and S. Milpitas Blvd. shall be designed to enhance the urban and architectural changes of the live-work units, subject to Planning Staff approval. (P)

73. Residential lighting to be determined by Planning Staff through the building permit process. (P)

74. Pedestrian lighting shall be incorporated along the new sidewalk facing S. Milpitas Blvd. and Los Coches Street. (P)

75. Sidewalks shall be continuous throughout the entire project as to meet the City's complete streets policies, contained within the Milpitas General Plan. (P)

76. The trail entry shall incorporate real stone with precast concrete cap. No artificial stone. Wood used shall be of heavy dimensional timber. (P)

77. Signage for the trail and trail lighting shall be compatible with the approved residential project to the west of the project site. All materials, colors, and finishes shall be subject to Planning Division approval during building permits process. (P)

78. A signed agreement between the property owner or designee and the neighboring property to the north of the project site for the planting and maintenance of the landscaping along the new paved pedestrian trail shall be commenced prior to certificate of occupancy. (P)

79. The property owner or designee shall work with staff on the landscaping and paving options along South Milpitas Blvd. and Los Coches Street and along the trail. (P)

80. The property owner or designee shall work with staff on incorporating the Ulmus Puruifolio tree along S Milpitas Blvd. and Los Coches Street. (P)

81. Commercial brick planters shall be incorporated in the site plan and landscape plan per elevation exhibit. (P)

82. The property owner or designee shall work with Planning Staff on the location of bollards along S. Milpitas Blvd.

83. The landscape plan along S. Milpitas Blvd. shows a commercial sidewalk then pavers to the street. The applicant shall work with staff on incorporating landscaping in between the street and pedestrian sidewalk. (P)

Conditional Use Permit

84. The 1st floor of the live-work units (lots 8, 10, 11, and 12) shall include 500 square feet of commercial space for commercial use only. The rest of the 1st floor is permitted for a single-family residential entrance and parking garage only. (P)

85. The type of commercial use allowed for a live-work unit are listed within the Zoning Ordinance Special Use Section. All other uses are not applicable. (P)

(P) = Planning
(E) = Engineering
(F) = Fire Prevention

EXHIBIT 2
MITIGATION MONITORING PROGRAM

EIA NO. EA12-0005

375 LOS COCHES – LOTS 1 & 2 RESIDNETIAL

MAJOR TENTATIVE MAP NO. MT12-0002, SITE DEVELOPMENT PERMIT NO. SD12-0003, CONDITIONAL USE PERMIT NO. UP12-0016

MITIGATION MEASURE	Implementation Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implementation	Remarks
Mitigation Measure 1: 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-bury the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.	Responsibility: Applicant Timing: Construction	Responsibility: Building Department	Initials Date	Initials Date	
HAZMAT-1.1: If further building renovation or demolition is planned a qualified contractor should test for ACBM if suspect materials are encountered and properly managed and dispose of the ACBM if needed. Based on the Risk Assessment provided by ENVIRON dated November 13, 2012, only one of the industrial facilities uses chemicals in amounts larger than the CalARP Threshold Quantity. Facilities using regulated substances in a process in excess of the CalARP Threshold Quantity are subject to	Responsibility: Applicant Timing: Building permits	Responsibility: Building Department	Initials Date	Initials Date	

CalARP Program requirements, which vary depending on the location, size, and type of the facility. System services of America, Inc., is assumed to be compliant with CalARP requirements. The subject property, however is located far enough away from System Services of America, INC. to not be within its CALARP TEP zone of impact for anhydrous ammonia. Although the project is not within the CalARP TEP zone of impact, as a result of being within the 1/10 IDLJ zones of impact of anhydrous ammonia, chlorine, diborane, hydrogen bromide, and phosphine, ENVIRON is recommending the following mitigation measures. Mitigation Measure: The proposed project shall implement the following standard measures:					
HAZMAT-1.2: The Project will provide an Emergency Action Plan (EAP) with evacuation and shelter-in-place procedures to the Milpitas Fire Department.	Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy	Responsibility: Planning and Fire department	Initials Date	Initials Date	
HAZMAT-1.3: The project howmowners association should review this RAP and the EAP, update the RAP and EAP as required and submit the RAP and EAP to the Milpitas Fire Department on an annual basis.	Responsibility: Applicant Timing: Prior to Building Permit Issuance	Responsibility: Planning and Fire department	Initials Date	Initials Date	
HYDRO-1.1: Prior to construction of the project, the City shall require the applicant 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 waddles around the perimeter of the site, regular street cleaning, and inlet	Responsibility: Applicant Timing: Prior to issuance of building permit	Responsibility: Public Works and Engineering	Initials Date	Initials Date	

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.	Responsibility: Applicant Timing: Prior to issuance of building permit	Responsibility: Land Development And Engineering	Initials Date	Initials Date	
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.	Responsibility: Applicant Timing: Construction	Responsibility: Building	Initials Date	Initials Date	
HYDRO-1.4: The proposed development shall comply with the NPDES permit issued to the City of Milpitas.	Responsibility: Applicant Timing: Prior to issuance of Building Permit	Responsibility: Land Development and Engineering	Initials Date	Initials Date	
NOS-1.1: **Sound Rated Windows:** Homes on lots adjacent to S. Milpitas Blvd. and on the site perimeter, as identified within the Noise Assessment, will require sound rated windows to meet average (45 dBA L_{dn}) interior noise standards. The needed Sound Transmission Class (STC) ratings of windows of these homes are expected to range from 31 to 33 on the lots adjacent to S. Milpitas Blvd., and from 29 to 31 on the identified perimeter lots as shown in the Noise Assessment. When building plan and elevations are available for these lots, an acoustical consultant shall be detained to determine the needed window STC ratings necessary to achieve the 45 dBA L_{dn} interior noise limits.	Responsibility: Applicant Timing: Building Permit	Responsibility: Planning & Building Departments	Initials Date	Initials Date	

NOS-1.2 **Mechanical Ventilation:** All residences on lots at the site perimeter will require mechanical ventilation to allow the windows to remain closed at the residents' option as the interior noise standards would not be met with open windows. Typically such a system must meet the following airflow provisions: *"If interior noise levels are met by requiring that windows remain unopenable or closed, the design of the design for the structure must also specify a ventilation system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit or guest room noise reduction."* In our experience a standard central air conditioning system or a central heating system equipped with a 'summer switch' which allows the fan to circulate air without furnace operation in each residence requiring mechanical ventilation will provide a habitable interior environment and meet the airflow provisions referenced above.	Responsibility: Applicant Timing: Building Permit	Responsibility: Planning & Building Department	Initials Date	Initials Date	

Milpitas Complaints

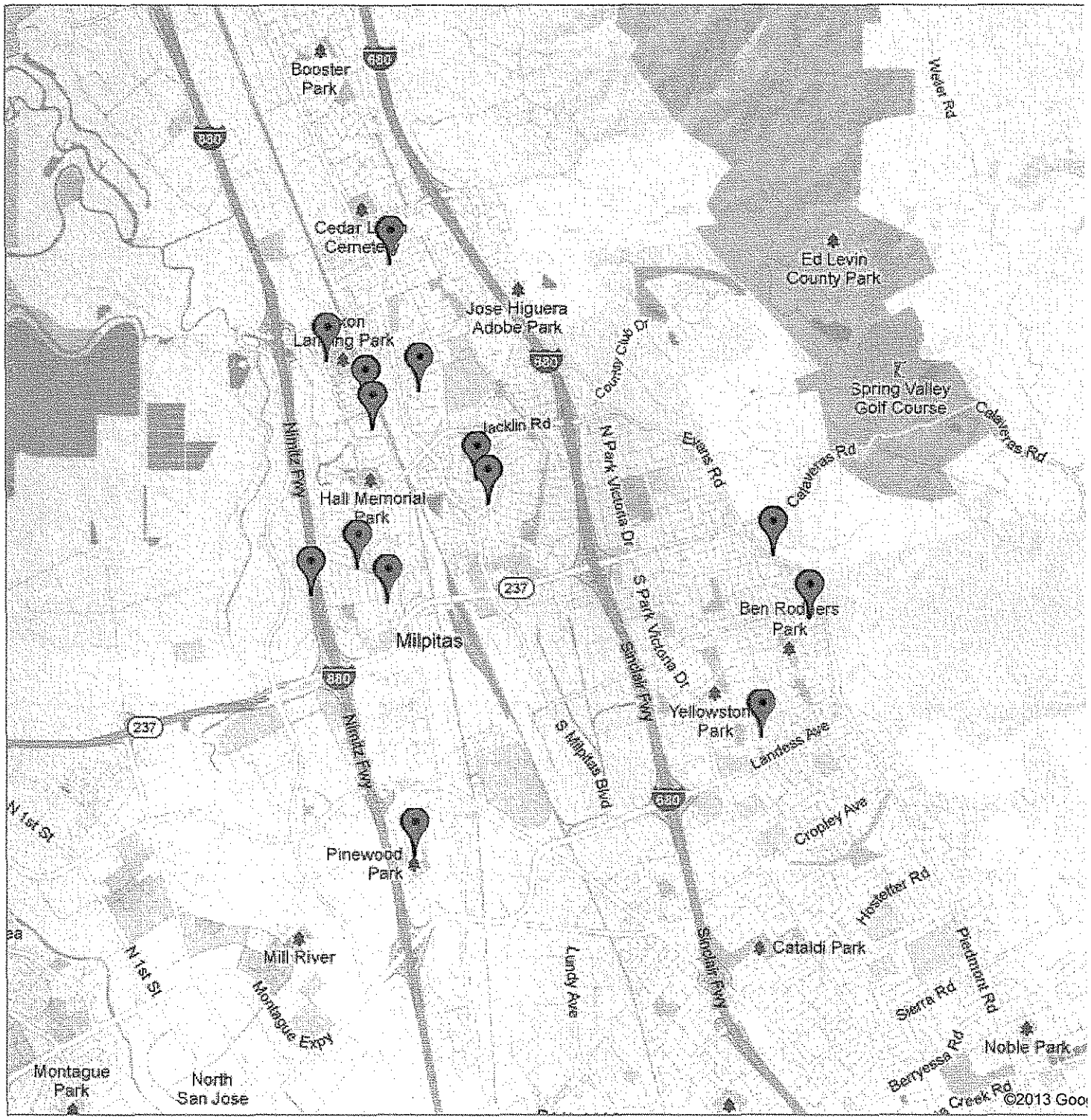
Received by BAAQMD From 03/01/13 to 03/31/13

*4

Complaint#	Received	Occured	Alleged Source	Description	General Location	Status	Attributed Site#	Referral	Comments
213767	3/1/13 15:29	3/1/13 7:00	BFI - The Recyclery	compost like	100 BEAUMERE WAY	Unconfirmed			
213778	3/2/13 16:13	3/2/13 15:00	NONE	sewer	1100 KOVANDA WY	Unconfirmed			
213794	3/4/13 15:58	3/4/13 13:50	BFI - The Recyclery	dumps	xxx xxxxxxx	Unconfirmed			smelled yesterday also
213826	3/9/13 20:04	3/9/13 13:00	BFI - The Recyclery	garbage	500 GLENMOOR CIRCLE	Unconfirmed			
213830	3/10/13 12:20	3/10/13 10:00	BFI - The Recyclery	garbage	2100 AGUILAR CT	Unconfirmed			
213838	3/13/13 7:44	3/13/13 7:44	BFI - The Recyclery	very bad	1700 GOLDEN HILLS DR	Unconfirmed			
213841	3/13/13 18:47	3/12/13 18:47	Allied Waste	bad garbage	1100 KOVANDA WAY	Unconfirmed			
213844	3/13/13 8:55	3/13/13 7:30	NONE	garbage	400 MARYLINN DR	Unconfirmed			
213851	3/13/13 10:47	3/12/13 18:00	BFI - The Recyclery	garbage/sewage	100 BUTLER ST	Pending			
213853	3/13/13 13:11	3/13/13 0:00	BFI - The Recyclery	dump	xxx xxxxxxx	Unconfirmed			
213861	3/13/13 21:00	3/13/13 21:00	BFI - The Recyclery	strong	800 KAISER ST	Unconfirmed			
213862	3/13/13 21:04	3/13/13 21:00	BFI - The Recyclery	compost	1100 KOVANDA WAY	Unconfirmed			
213863	3/13/13 18:01	3/13/13 0:00	BFI - The Recyclery	compost	1000 TIZE DR	Unconfirmed			
213864	3/13/13 19:50	3/13/13 0:00	BFI - The Recyclery	garbage	200 SUMMERWIND DR	Unconfirmed			
213865	3/13/13 20:44	3/13/13 17:00	BFI - The Recyclery	terrible garbage	300 ASPENRIDGE DR	Unconfirmed			
213869	3/14/13 13:08	3/14/13 13:00	BFI - The Recyclery	landfill	800 BERRYESSA ST	Confirmed			
213874	3/15/13 12:00	3/15/13 11:55	BFI - The Recyclery	compost landfill	1700 ROCKY MOUNTAIN AVE	Unconfirmed			
213880	3/16/13 12:00	3/16/13 11:59	BFI - The Recyclery		800 STRICKROTH DR	Unconfirmed			
213899	3/18/13 13:39	3/18/13 13:30	NONE	bad	100 BEAUMERE WAY	Unconfirmed			
213904	3/18/13 15:18	3/18/13 14:18	NONE	pig farm	500 GLENMOORE CIRCLE	Confirmed			
213905	3/18/13 15:20	3/18/13 0:00	NONE	sour	xxx xxxxxxx	Unconfirmed			
213906	3/18/13 15:50	3/18/13 15:00	BFI - The Recyclery	garbage	2100 AGUILAR CT	Unconfirmed			
213912	3/19/13 12:56	3/19/13 10:30	BFI - The Recyclery	manure	2100 AGUILAR CT	Unconfirmed			
213938	3/22/13 8:21	3/22/13 8:20	NONE	bad	1300 ELKWOOD DR	Unconfirmed			
213950	3/22/13 19:57	3/22/13 19:50	BFI - The Recyclery	horrible, pungent	300 RANCH DR	Unconfirmed			
213955	3/23/13 18:59	3/23/13 18:00	BFI - The Recyclery	garbage	100 BUTLER ST	Unconfirmed			
Total:	26								

Google

Get Google Maps on your phone
Text the word "GMAPS" to 466453



BAAQMD Odor Complaint Locations (March 19 - April 21, 2013)

Unlisted · 0 views
Created on Apr 19 · By · Updated < 1 minute ago

*6

CITY OF MILPITAS
INVESTMENT PORTFOLIO STATUS

PERCENT OF TOTAL DOLLARS INVESTED AT QUARTER ENDED

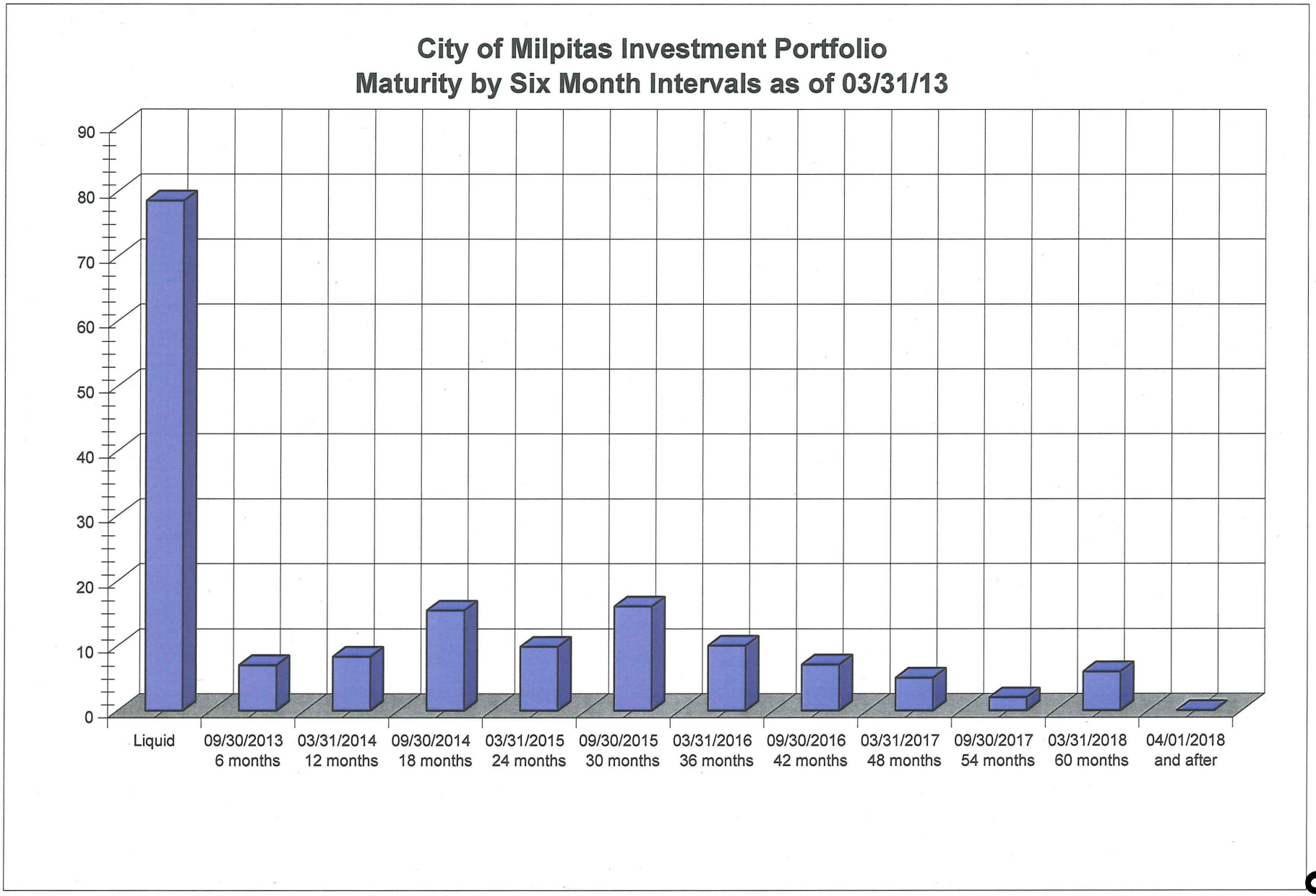
TYPE OF SECURITY	Mar-13	Dec-12	Sep-12	Jun-12
LAIF & Money Market	48	45	49	46
Corporate Medium Term Notes	9	10	6	5
Treasury Notes / Bills	6	6	6	5
Federal Agency	37	39	39	44
Negotiable CD's *	<1	< 1	< 1	0
	100	100	100	100

	Mar-13	Dec-12	Sep-12	Jun-12
Market Value	165,520,443	148,727,872	157,334,575	173,201,164
Cost	164,856,114	148,021,946	156,530,708	172,571,144
Days				
Weighted Average Maturity	421	427	410	432
Rates				
Average Yield	0.60%	0.66%	0.70%	0.80%
Benchmarks:				
LAIF	0.28%	0.33%	0.35%	0.36%
2 Year Treasury - (12 Month Average)	0.25%	0.26%	0.26%	0.27%

* Negotiable CD's as of Sept. 2012 amount to less than one percent of the investment portfolio

Exhibit 1

Exhibit 2



Maturity by Six Month Intervals

City of Milpitas Investment Portfolio Yields Compared to Benchmarks for the Quarters Ended 06/30/10 – 03/31/13

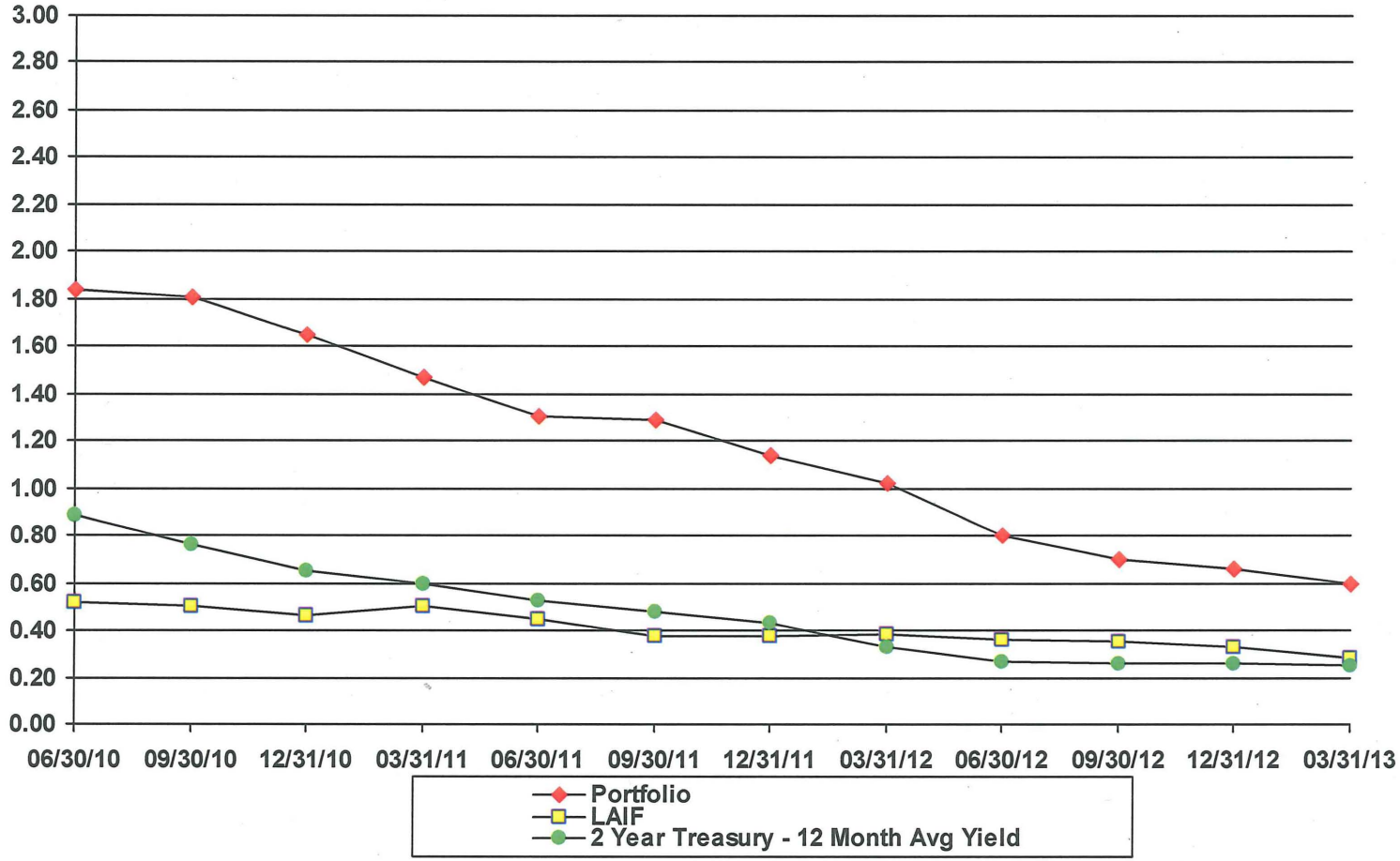


Exhibit 3

City of Milpitas
Portfolio Management
Portfolio Summary
March 31, 2013

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
LAIF	75,000,000.00	75,076,395.00	75,000,000.00	45.49	1	1	0.281	0.285
Money Market Funds	3,449,535.68	3,449,535.68	3,449,535.68	2.09	1	1	0.010	0.010
Corporate Notes	14,000,000.00	14,207,653.47	14,104,827.38	8.56	1,096	677	1.157	1.173
Federal Agency	61,000,000.00	61,447,715.00	61,032,581.86	37.02	1,298	830	0.915	0.928
Treasury Coupon Securities	10,000,000.00	10,055,571.51	9,988,131.52	6.06	1,231	855	0.665	0.674
GNMA	31,037.83	31,950.23	31,037.83	0.02	7,188	1,435	8.164	8.277
Negotiable CDs -2	1,250,000.00	1,251,622.11	1,250,000.00	0.76	657	508	0.632	0.640
Investments	**164,730,573.51**	**165,520,443.00**	**164,856,114.27**	**100.00%**	**656**	**421**	**0.613**	**0.621**
Cash								
Passbook/Checking (not included in yield calculations)	3,173,402.31	3,173,402.31	3,173,402.31		1	1	0.023	0.023
Total Cash and Investments	**167,903,975.82**	**168,693,845.31**	**168,029,516.58**		**656**	**421**	**0.613**	**0.621**

Total Earnings	March 31 Month Ending	Fiscal Year To Date
Current Year	85,679.88	815,239.53
Average Daily Balance	**168,190,578.89**	**162,715,330.35**
Effective Rate of Return	**0.60%**	**0.67%**

To the best of my knowledge, this report accurately reflects all City and RDA pooled investments and is in conformity with all State laws and the City's investment policy. A copy of the policy is available at the office of the City Clerk. This investment program herein shown provides sufficient cash flow liquidity to meet next six months' estimated expenditures.

Emma C. Karlen 4/25/13

Emma C. Karlen, Director of Finance

Reporting period 03/01/2013-03/31/2013

Run Date: 04/17/2013 - 11:15

9*

Portfolio MILP
AC
PM (PRF_PM1) 7.2.5
Report Ver. 7.3.1

City of Milpitas
Portfolio Management
Portfolio Details - Investments
March 31, 2013

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
LAIF												
SYS82000010	82000010	Local Agency Invest. Fd - City			41,000,000.00	41,041,762.60	41,000,000.00	0.285		0.285	1	
SYS97090401	97090401	Local Agency Invest. Fd - MPFA			34,000,000.00	34,034,632.40	34,000,000.00	0.285		0.285	1	
		Subtotal and Average	**70,551,612.90**		**75,000,000.00**	**75,076,395.00**	**75,000,000.00**			**0.285**	**1**	
Money Market Funds												
SYS	12020109	Dreyfus Treasury & Agency Fund			3,449,535.68	3,449,535.68	3,449,535.68	0.010	AAA	0.010	1	
		Subtotal and Average	**10,326,809.18**		**3,449,535.68**	**3,449,535.68**	**3,449,535.68**			**0.010**	**1**	
Corporate Notes												
36962G4Q4	11050301	General Electric Capital Corp		05/03/2011	2,000,000.00	2,012,620.00	2,003,180.07	1.875	AA+	1.520	168	09/16/2013
594918AF1	11020801	Microsoft Corp		02/08/2011	1,000,000.00	1,002,790.00	999,013.36	0.875	AAA	1.080	179	09/27/2013
961214BR3	12092801	Westpac Banking Corp		09/28/2012	1,000,000.00	1,010,270.00	1,009,839.44	1.850	AA-	0.416	252	12/09/2013
36962G4X9	11010701	General Electric Capital Corp		01/07/2011	1,000,000.00	1,013,110.00	999,529.78	2.100	AA+	2.164	281	01/07/2014
78008TXA7	12021001	Royal Bank of Canada		02/10/2012	1,000,000.00	1,014,950.00	1,012,036.09	1.450	AA-	0.680	577	10/30/2014
36962G5M2	12011001	General Electric Capital Corp		01/10/2012	2,000,000.00	2,050,960.00	2,002,719.93	2.150	AA+	2.070	648	01/09/2015
961214BW2	12100201	Westpac Banking Corp		10/02/2012	1,000,000.00	1,007,560.00	1,003,049.43	1.125	AA-	1.000	907	09/25/2015
06366RJH9	12110601	Bank of Montreal		11/06/2012	1,000,000.00	998,570.00	1,001,818.06	0.800	A+	0.729	949	11/06/2015
822582AU6	12120601	Shell Int'l Finance BV		12/06/2012	1,000,000.00	1,003,680.00	1,001,804.51	0.625	AA	0.557	977	12/04/2015
38259PAC6	12120602	Google Inc		12/06/2012	1,000,000.00	1,044,883.47	1,046,314.04	2.125	AA	0.660	1,144	05/19/2016
88579YAD3	12021401	3M Company		02/14/2012	2,000,000.00	2,048,260.00	2,025,522.67	1.375	AA-	1.000	1,277	09/29/2016
		Subtotal and Average	**14,107,028.46**		**14,000,000.00**	**14,207,653.47**	**14,104,827.38**			**1.173**	**677**	
Federal Agency												
313372PA6	11021601	Federal Home Loan Bank		02/16/2011	2,000,000.00	2,002,260.00	2,000,000.00	1.000	AA+	1.000	45	05/16/2013
3133XYHD0	10050701	Federal Home Loan Bank		05/07/2010	2,000,000.00	2,006,220.00	1,999,873.21	1.625	AA+	1.657	74	06/14/2013
31331KAQ3	11020401	Federal Farm Credit Bank		02/04/2011	2,000,000.00	2,015,625.00	1,996,860.69	1.125	AA+	1.320	301	01/27/2014
31331KAH3	11020701	Federal Farm Credit Bank		02/07/2011	2,000,000.00	2,017,187.50	1,996,372.51	1.125	AA+	1.330	332	02/27/2014
3133XWE70	10060101A	Federal Home Loan Bank		06/01/2010	1,600,000.00	1,643,904.00	1,607,859.31	2.500	AA+	2.071	438	06/13/2014
3133XWE70	10060101B	Federal Home Loan Bank		06/01/2010	1,400,000.00	1,438,416.00	1,406,876.89	2.500	AA+	2.071	438	06/13/2014
313371WB8	10112401	Federal Home Loan Bank		11/24/2010	2,000,000.00	2,024,080.00	2,000,000.00	1.150	AA+	1.150	479	07/24/2014
313374RB8	11072801	Federal Home Loan Bank		07/28/2011	2,000,000.00	2,018,125.00	2,000,000.00	1.000	AA+	1.000	483	07/28/2014
313373XN7	11052701	Federal Home Loan Bank		05/27/2011	3,000,000.00	3,039,810.00	3,002,065.23	1.250	AA+	1.200	514	08/28/2014
313379KQ1	12052901	Federal Home Loan Bank		05/29/2012	2,000,000.00	2,004,260.00	2,000,000.00	0.400	AA+	0.400	515	08/29/2014
3135G0CU5	11091201	Federal Nat'l. Mortgage Assoc		09/12/2011	2,000,000.00	2,003,437.50	2,000,000.00	0.625	AA+	0.625	529	09/12/2014
3134G2YJ5	12021002	Fed Home Loan Mortgage Corp		02/10/2012	1,000,000.00	1,003,710.00	1,001,165.46	0.500	AA+	0.420	536	09/19/2014
31331JQ55	11020402	Federal Farm Credit Bank		02/04/2011	2,000,000.00	2,027,187.50	1,983,509.83	1.150	AA+	1.714	553	10/06/2014

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City of Milpitas
Portfolio Management
Portfolio Details - Investments
March 31, 2013

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Federal Agency												
3133EADP0	12021701	Federal Farm Credit Bank		02/17/2012	2,000,000.00	2,011,840.00	2,001,114.15	0.450	AA+	0.420	687	02/17/2015
3135G0HG1	12020801	Federal Nat'l. Mortgage Assoc		02/08/2012	2,000,000.00	2,002,700.00	1,997,275.85	0.375	AA+	0.445	714	03/16/2015
3136G0KG5	12060401	Federal Nat'l. Mortgage Assoc		06/04/2012	2,000,000.00	2,005,700.00	2,000,000.00	0.625	AA+	0.625	794	06/04/2015
3134G3CL2	11121601	Fed Home Loan Mortgage Corp		12/16/2011	2,000,000.00	2,008,320.00	2,000,000.00	1.000	AA+	1.000	806	06/16/2015
313379UC1	12062601	Federal Home Loan Bank		06/26/2012	2,000,000.00	2,006,820.00	2,000,000.00	0.550	AA+	0.550	816	06/26/2015
3135G0LN1	12062801	Federal Nat'l. Mortgage Assoc		06/28/2012	2,000,000.00	2,006,200.00	2,000,000.00	0.500	AA+	0.500	822	07/02/2015
3133EADW5	12021702	Federal Farm Credit Bank		02/17/2012	2,000,000.00	2,003,125.00	2,000,000.00	0.550	AA+	0.550	868	08/17/2015
3133EAQV3	12051501	Federal Farm Credit Bank		05/15/2012	2,000,000.00	2,008,060.00	2,000,000.00	0.550	AA+	0.550	897	09/15/2015
3134G3Q45	12102201	Fed Home Loan Mortgage Corp		10/22/2012	1,000,000.00	1,001,260.00	1,000,000.00	0.520	AA+	0.520	1,026	01/22/2016
313375RN9	12020901	Federal Home Loan Bank		02/09/2012	2,000,000.00	2,035,380.00	2,016,202.45	1.000	AA+	0.720	1,075	03/11/2016
313375RN9	12062903	Federal Home Loan Bank		06/29/2012	2,000,000.00	2,035,380.00	2,020,329.51	1.000	AA+	0.650	1,075	03/11/2016
3133EARB6	12062902	Federal Farm Credit Bank		06/29/2012	1,000,000.00	1,010,480.00	1,003,076.77	0.750	AA+	0.650	1,142	05/17/2016
3133EAUH9	12061401	Federal Farm Credit Bank		06/14/2012	3,000,000.00	3,026,580.00	3,000,000.00	0.750	AA+	0.750	1,170	06/14/2016
3133EAVQ8	12062901	Federal Farm Credit Bank		06/29/2012	2,000,000.00	2,015,200.00	2,000,000.00	0.800	AA+	0.800	1,340	12/01/2016
3136G1E88	13022702	Federal Nat'l. Mortgage Assoc		02/27/2013	1,000,000.00	1,002,790.00	1,000,000.00	0.750	AA+	0.750	1,428	02/27/2017
3136G0NY3	12062701	Federal Nat'l. Mortgage Assoc		06/27/2012	2,000,000.00	2,015,937.50	2,000,000.00	1.050	AA+	1.050	1,548	06/27/2017
3136G0L58	12101801	Federal Nat'l. Mortgage Assoc		10/18/2012	1,000,000.00	1,002,830.00	1,000,000.00	1.000	AA+	1.000	1,661	10/18/2017
3135G0UE1	13021401	Federal Nat'l. Mortgage Assoc		02/14/2013	3,000,000.00	2,997,750.00	3,000,000.00	1.000	AA+	1.000	1,780	02/14/2018
3136G1DG1	13022701	Federal Nat'l. Mortgage Assoc		02/27/2013	2,000,000.00	2,007,140.00	2,000,000.00	1.050	AA+	1.050	1,793	02/27/2018
		Subtotal and Average	**61,032,885.74**		**61,000,000.00**	**61,447,715.00**	**61,032,581.86**			**0.928**	**830**	
Treasury Coupon Securities												
912828PL8	10122801	United States Treasury Note		12/28/2010	2,000,000.00	2,008,437.50	1,994,863.23	0.750	AA+	1.121	258	12/15/2013
912828SZ4	12062201	United States Treasury Note		06/22/2012	3,000,000.00	3,006,330.00	2,998,352.59	0.375	AA+	0.400	805	06/15/2015
912828UG3	13012801	United States Treasury Note		01/28/2013	3,000,000.00	3,003,464.01	2,998,324.46	0.375	AA+	0.400	1,019	01/15/2016
912828RJ1	11101101	United States Treasury Note		10/11/2011	2,000,000.00	2,037,340.00	1,996,591.24	1.000	AA+	1.050	1,278	09/30/2016
		Subtotal and Average	**10,890,937.27**		**10,000,000.00**	**10,055,571.51**	**9,988,131.52**			**0.674**	**855**	
GNMA												
36216NNL3	88021601A	GNMA		07/01/1997	2,430.08	2,441.57	2,430.08	9.500	AA+	9.615	1,293	10/15/2016
36217ENG3	87052601C	GNMA		07/01/1997	4,916.54	4,935.96	4,916.54	8.500	AA+	8.588	1,354	12/15/2016
362174T46	87042001C	GNMA		07/01/1997	6,889.17	7,452.77	6,889.17	8.000	AA+	8.075	1,444	03/15/2017
36217FKE8	87042001A	GNMA		07/01/1997	16,802.04	17,119.93	16,802.04	8.000	AA+	8.076	1,475	04/15/2017
		Subtotal and Average	**31,305.34**		**31,037.83**	**31,950.23**	**31,037.83**			**8.277**	**1,435**	

City of Milpitas
Portfolio Management
Portfolio Details - Investments
March 31, 2013

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Negotiable CDs -2												
316777FZ9	13021301	Fifth Third Bank		02/13/2013	250,000.00	250,000.00	250,000.00	0.400	BBB+	0.400	318	02/13/2014
06426NGR7	12092601	Bank of China - NY		09/26/2012	250,000.00	250,384.58	250,000.00	0.650	A	0.650	543	09/26/2014
38143AH81	12100301	Goldman Sachs Bank USA		10/03/2012	250,000.00	251,237.53	250,000.00	0.850	A-	0.850	550	10/03/2014
36160XV53	12100501	GE Capital Bank		10/05/2012	250,000.00	250,000.00	250,000.00	0.750	AA+	0.602	553	10/06/2014
05568PZ42	12102601	BMW Bank of North America		10/26/2012	250,000.00	250,000.00	250,000.00	0.700	NR	0.700	574	10/27/2014
		Subtotal and Average	1,250,000.00		1,250,000.00	1,251,622.11	1,250,000.00			0.640	508	
		Total and Average	168,190,578.89		164,730,573.51	165,520,443.00	164,856,114.27			0.621	421	

City of Milpitas
Portfolio Management
Portfolio Details - Cash
March 31, 2013

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity
Money Market Funds											
SYS1000	1000	Cash in Bank			724,102.00	724,102.00	724,102.00	0.100		0.100	1
SYS1030	1030	Cash with Fiscal Agent			2,449,300.31	2,449,300.31	2,449,300.31			0.000	1
		Average Balance	**0.00**								**1**
		Total Cash and Investments	**168,190,578.89**		**167,903,975.82**	**168,693,845.31**	**168,029,516.58**			**0.621**	**421**

City of Milpitas
Portfolio Management
Activity By Type
March 1, 2013 through March 31, 2013

CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
LAIF (Monthly Summary)							
SYS82000010	82000010	Local Agency Invest. Fd - City	0.285		7,700,000.00	0.00	
		Subtotal			**7,700,000.00**	**0.00**	**75,000,000.00**
Money Market Funds (Monthly Summary)							
SYS1000	1000	Cash in Bank	0.100		724,102.00	621,594.00	
SYS	12020109	Dreyfus Treasury & Agency Fund	0.010		29.39	0.00	
SYS1030	1030	Cash with Fiscal Agent			2,449,300.31	6,379,171.26	
		Subtotal			**3,173,431.70**	**7,000,765.26**	**3,449,535.68**
Corporate Notes							
		Subtotal					**14,104,827.38**
Federal Agency							
		Subtotal					**61,032,581.86**
Treasury Coupon Securities							
912828MT4	10031501	United States Treasury Note	1.375	03/15/2013	0.00	2,000,000.00	
		Subtotal			**0.00**	**2,000,000.00**	**9,988,131.52**
GNMA							
36217FKE8	87042001A	GNMA	8.000	03/15/2013	0.00	298.25	
362174T46	87042001C	GNMA	8.000	03/15/2013	0.00	132.51	
36217ENG3	87052601C	GNMA	8.500	03/15/2013	0.00	108.26	
36216NNL3	88021601A	GNMA	9.500	03/15/2013	0.00	53.33	
		Subtotal			**0.00**	**592.35**	**31,037.83**
Negotiable CDs -2							
		Subtotal					**1,250,000.00**
		Total			**10,873,431.70**	**9,001,357.61**	**164,856,114.27**

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City of Milpitas

Investment Broker Dealer List

Cantor Fitzgerald & Co.

Dreyfus Institutional Services

Mischler Financial Group, Inc.

Morgan Stanley Smith Barney

State of California Local Agency Investment Fund

Vining Sparks IBG, L.P.

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF MILPITAS
DIRECTING PREPARATION OF THE ANNUAL ENGINEER'S REPORT FOR
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1**

WHEREAS, on May 2, 1995, the City Council ordered the formation of and levied the first assessment within the City of Milpitas, Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "Maintenance District"), pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code), (hereinafter "the Act"); and

WHEREAS, Section 22620, *et seq*., of the Act provides for the levy of annual assessments after formation of the Maintenance District.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A" attached hereto and by this reference made a part of this Resolution.

3. The City Engineer is hereby designated as the Engineer of Work for purposes of the Maintenance District, and is hereby ordered to prepare and file an annual report in accordance with Section 22565, *et seq*., of the Act.

PASSED AND ADOPTED this ___ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT A

DESCRIPTION OF WORK
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

The Maintenance Assessment District is generally described as a district bounded on the east by Interstate 880, on the west by Coyote Creek, on the south by the State Route 237, and on the north by Dixon Landing Road as shown on the attached diagram.

The improvements within the Maintenance Assessment District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs; such maintenance to include all necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

All such work shall be performed within the following areas:

N. McCarthy Boulevard

1) A strip of land including an earth berm approximately 50 feet in width from face of east curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.

2) Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.

3) A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.

4) Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.

5) Lighting costs in the Maintenance Assessment District are limited to the supplemental pedestrian lights installed between each of the two street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

Milpitas Entry Sign

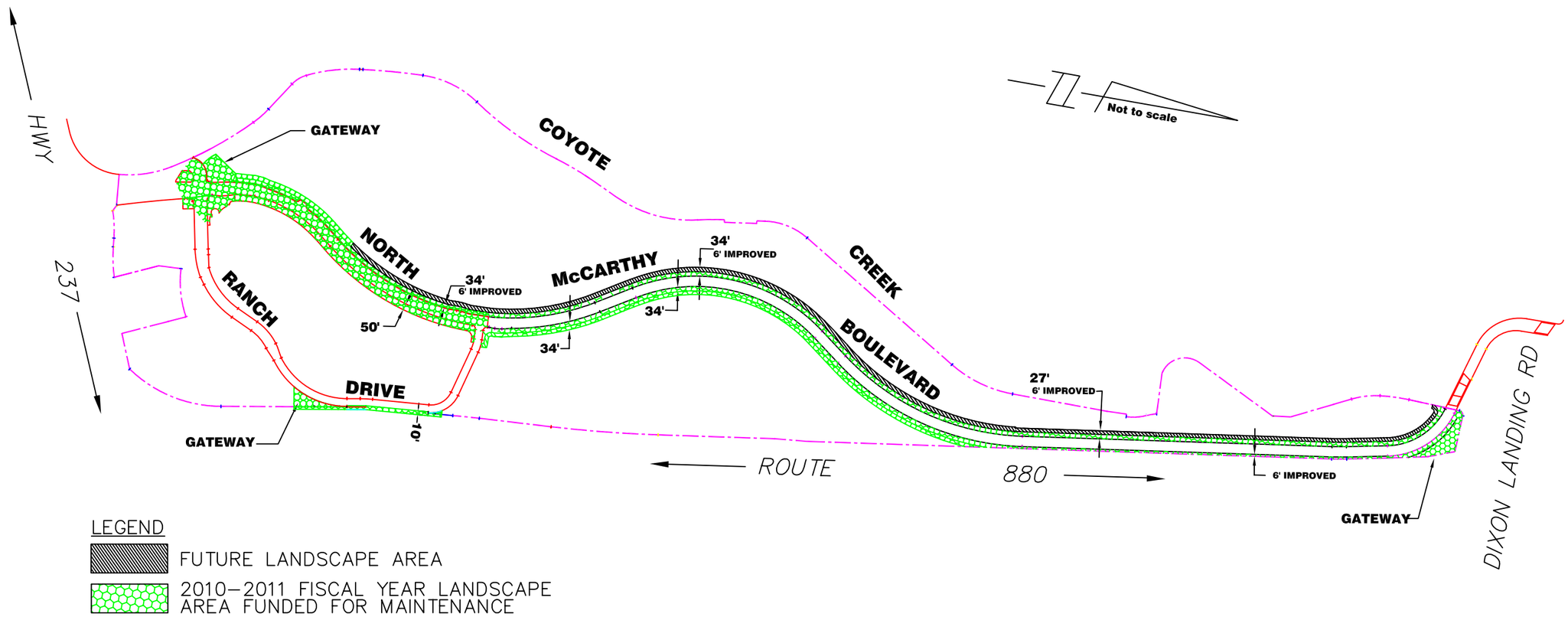
1) City of Milpitas Entry Identification Sign along N. McCarthy Boulevard, including walls, columns, lighting and other appurtenant.

Ranch Drive

1) Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.

2) Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.

Figure 2



McCarthy Ranch

PART G – VICINITY MAP

LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95–1
CITY OF MILPITAS
COUNTY OF SANTA CLARA –STATE OF CALIFORNIA

*8

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILPITAS DIRECTING PREPARATION OF THE ANNUAL ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

WHEREAS, on June 16, 1998, the City Council ordered the formation of and levied the first assessment within the City of Milpitas, Landscaping and Lighting Maintenance Assessment District No. 98-1 (the "Maintenance District"), pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code), (hereinafter "the Act"); and

WHEREAS, Section 22620, *et seq*., of the Act provide for the levy of annual assessments after formation of the Maintenance District.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A" attached hereto and by this reference made a part of this Resolution.

3. The City Engineer is hereby designated as the Engineer of Work for purposes of the Maintenance District, and is hereby ordered to prepare and file an annual engineer's report in accordance with Section 22565, *et seq*., of the Act.

PASSED AND ADOPTED this ____ day of ____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT A

DESCRIPTION OF WORK
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1

LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1 is generally described as a district bounded on the east side by the existing Sinclair Frontage Road, on the west by Berryessa Creek, on the south by the existing commercial development, and on the north by Los Coches Street.

Maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

The maintenance and operation of and the furnishing of services and materials, as required for the following improvements:

Berryessa Creek

1) A strip of land approximately 510 feet long varying in width from 35 feet to 60 feet along the east bank of Berryessa Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.

Los Coches Creek:

1) A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting and irrigation.

2) A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way line along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Road. The improvements include planting and irrigation.

Sinclair Frontage Road

1) A strip of land approximately 550 feet long, varying in width from 5.5 feet to 25 feet along the east side of Sinclair Frontage Road, except at the intersection of Cameron Place, between the back of sidewalk and the soundwall. The improvements include planting and irrigation.

2) A parcel on the east side of Sinclair Frontage Road within the Sinclair Frontage Road and Los Coches Street right-of-way, bounded on the east side by the Interstate 680, on the southwest side by the back of sidewalk and on the north side by the Los Coches Street right-of-way line. The improvements include planting and irrigation.

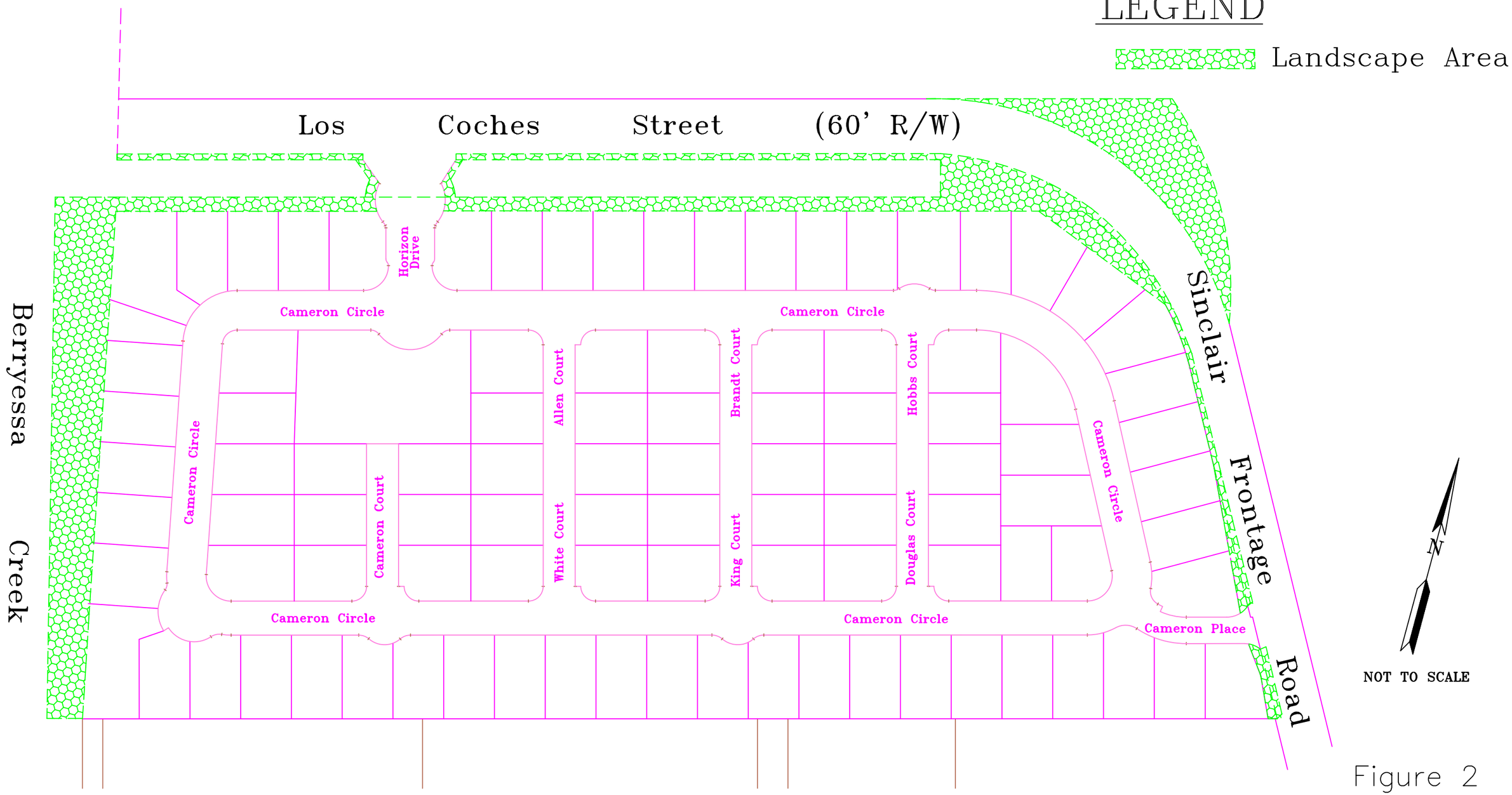


Figure 2

PART "G" VICINITY MAP	Landscaping and Lighting Maintenance Assessment District No. 98-1 MILPITAS, SANTA CLARA COUNTY, CALIFORNIA	Not to Scale

*9

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REQUESTING THE ALLOCATION OF FISCAL YEAR 2013-14 TRANSPORTATION DEVELOPMENT ACT – ARTICLE 3 FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION FOR PEDESTRIAN/BICYCLE IMPROVEMENT PROJECTS

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 *et seq.*, authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Milpitas desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this Resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.
3. There is no pending or threatened litigation that might adversely affect the project(s) described in Attachment B to this Resolution, or that might impair the ability of the City of Milpitas to carry out the project(s).
4. The City of Milpitas attests to the accuracy of and approves the statements in Attachment A to this Resolution.
5. A certified copy of this Resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of the City of Milpitas for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

Attachment A

Findings

1. That the City of Milpitas is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Milpitas legally impeded from undertaking the project(s) described in "Attachment B" of this Resolution.
2. That the City of Milpitas has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Milpitas within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the City of Milpitas agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2013-2014 Applicant: City of Milpitas

Contact person: Steve Chan

Mailing Address: 455 E. Calaveras Blvd, Milpitas, CA 95035

E-Mail Address: schan@ci.milpitas.ca.gov Telephone: (408) 586-3324

Secondary Contact (in event primary not available): Kathleen Phalen

E-Mail Address: kphalen@ci.milpitas.ca.gov Telephone: (408) 586-3345

Short Title Description of Project: Street Resurfacing 2014 Project

Amount of claim: $84,506

Functional Description of Project:
Construction of ADA ramps as part of City Street Resurfacing 2014 Project. Locations to be determined later.

Financial Plan:
List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: ADA Ramps –$84,506

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		$84,506			$84,506
list all other sources:					
1. Gas Tax Fund		$1,500,000			$1,500,000
2.					
3.					
4.					
Totals		$1,584,506			$1,584,506

Project Eligibility:	**YES/NO?**
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated). May 2014	No
B. Has this project previously received TDA Article 3 funding? (If "YES," provide an explanation on a separate page).	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via:http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (Required only for projects that include construction). Environmental compliance documentation will be prepared upon completion of project design.	No
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) July 2015	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING ITS INTENTION TO GRANT FRANCHISES TO NITROGEN GAS COMPANIES TO INSTALL FACILITIES WITHIN THE CITY OF MIPITAS RIGHT OF WAY

WHEREAS, the City Council on January 8, 1985, approved Ordinance 220 to allow nitrogen gas companies to install facilities within the City of Milpitas, which Ordinance was subsequently amended on May 16, 2000; and

WHEREAS, the City Council on March 5, 1985, approved Ordinance 222 to allow Air Products a non-exclusive franchise to install and maintain its facilities including the right for transmission and distribution of nitrogen gas under and across public streets and easements within the City of Milpitas; and

WHEREAS, the City Council on March 5, 1985, approved Ordinance 223 to allow Union Carbide (now Praxair) a non-exclusive franchise to install and maintain its facilities including the right for transmission and distribution of nitrogen gas under and across public streets and easements within the City of Milpitas, and subsequently amended that Ordinance on May 16, 2000; and

WHEREAS, the agreements with Air Products and Praxair have expired; and

WHEREAS, City staff has made proposed ordinance amendments to reflect terms for a new non-exclusive franchise for both Air Products and Praxair; and

WHEREAS, City Ordinance and State law require notification of a time and place of a public hearing where objections to the granting of the franchises may be heard and considered by the City Council before adoption of ordinance amendments granting the franchises.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council declares its intent to amend the ordinances and grant the franchises for the distribution of nitrogen gas over, under and across City streets and easements upon the terms and conditions described in the notice attached hereto as Exhibit A.

3. A public hearing shall be held on June 4, 2013, at City Council Chambers located at 455 East Calaveras Boulevard., Milpitas CA, as part of the ordinance adoption process. At that time and place all persons having objections to the granting of the franchises may appear and be heard.

4. The City Clerk is directed to publish the notice at least once within fifteen (15) days after

the passage of this Resolution in a newspaper of general circulation within the City of Milpitas.

PASSED AND ADOPTED this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council will hold a public hearing on Tuesday, June 4, 2013, commencing at 7 p.m. in the City of Milpitas Council Chamber, located at, 455 E. Calaveras Blvd., Milpitas, CA 95035, to amend Ordinances related to nitrogen gas franchise and grant Air Products Inc. and Praxair, Inc., each a fifteen year franchise and authorize the City Manager the authority to renew future fifteen year extensions of such franchises.

NOTICE IS FURTHER GIVEN, pursuant to Public Utilities Code Sec. 6233, that incident to such granting of franchises, Air Products Inc. and Praxair, Inc., and their successors and assigns will during the life of said franchises pay to the City of Milpitas the percentage specified in their applications, as reflected in the agreements on file with the City Clerk, which percentage will be paid annually from the date of granting of the franchise, and in the event such payment is not made the franchise will be forfeited.

NOTICE IS FURTHER GIVEN, pursuant to Government Code Sec. 65009, that any challenges of this matter in court may be limited to only those issues raised at the public hearings described in this notice or in written correspondence delivered to the City Council at or prior to these hearings.

Those who wish to comment may attend the public hearing in person or may submit written comments to the City Council prior to the hearing. Written comments may be sent to the Milpitas City Clerk via US mail to 455 E. Calaveras Blvd., Milpitas, CA 95035, delivered to City Hall 3rd floor, sent by fax to 408-586-3030 or via e-mail to: mlavelle@ci.milpitas.ca.gov.

Mary Lavelle
City Clerk
5/7/2013

City of Milpitas, California

*11

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
☒ Budget Appropriation	100-3613	$ 57,500	100-413-4237	$ 57,500
☐ Budget Transfer				

Explain the reason for the budget change:

Background: Due to current peak work load of private development projects, and encroachment permits activities as it relates to the BART project and in order to meet schedules of current and anticipated projects, staff is recommending additional consultant services to augment staff resources. Harris & Associates services will be used on as needed basis, which are fully reimbursable from developer and VTA funds.

Harris & Associates has been selected based on recent and past performances and through the City's consultant selection process. Based on the anticipated work load, staff has estimated a fee not to exceed $275,000. Included in the Council's packet are copies of the proposed agreement and budget request. The term of this agreement will cover anticipated work through June 30, 2014.

Fiscal Impact: None. The consultant fee for these services is reimbursable through the private project accounts and VTA funds.

Recommendation:

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Consultant Agreement with Harris & Associates, in the amount of $275,000 subject to approval as to form by the City Attorney.
2. Approve a budget appropriation in the amount of $57,500 to increase Land Development Engineering expenditure budget for the remaining of the fiscal year that will be reimbursed by private development.

☒ **Check if City Council Approval required.** **Meeting Date**: May 7, 2013

Requested by:	**Keyvan Irannejad, Building and Safety Department**	**Date:** April 30 , 2013
Reviewed by:	**Finance Director:**	**Date:** 5/1/13
Approved by:	**City Manager:**	**Date:**

Date approved by City Council, if required: **Confirmed by:**

AMENDMENT No. 1 TO AGREEMENT FOR CONSULTATION AND OTHER SERVICES

This Amendment is entered into this 07 day of May, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and JDH Corrosion, Inc. (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional Engineering services for CIP Project Title, (Project No. 7109), on June 19, 2012; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional engineering design services for Cathodic Protection Improvements.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

   The term of this Agreement shall begin on the date first noted above and shall end on **June 30, 2015**.

2. Section 1, entitled "Scope of Services" is amended by adding Exhibit "**A-1**", which is attached hereto and incorporated by reference herein.

3. Section 2, entitled "Compensation" is amended to add Exhibit "**B-1**", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

   The compensation for the services set forth in Exhibit "**B-1**" is an amount not to exceed $100,000 based on time and materials as set forth in Exhibit B-1 for all services to be performed and reimbursable costs incurred under this agreement.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **June 19, 2012**, between **JDH Corrosion, Inc.** and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

_____
Thomas C. Williams, City Manager

_____
Kathleen Phalen, Acting Public Works Director/
City Engineer as to work specifics

CONSULTANT

_____

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

Exhibit A-1
Scope of Services
Cathodic Protection Improvements
Project No. 7115
Scope of Services

Project Description:

A Citywide Cathodic Protection Survey was completed by JDH Corrosion in 2012 for the City's water and sewer pipelines, pump stations, wells and water storage tanks. Various recommendations for improvements to the City's existing cathodic protection system and locations where installation of new cathodic protection system would be beneficial were analyzed. This scope of work provides for the design of the recommended improvements to the existing systems and the new systems as outlined in the 2012 JDH Survey including; preparation of plans and specifications for public bidding, bidding phase support services, and construction phase support.

The following tasks shall be completed on a time and materials not to exceed basis:

Task 1: Preliminary Design

1. Initial Project Design Meeting – Meet with City staff to review design intent and scope. Review project goals, budget, and schedule. Verify regulatory items, approval process and administrative procedures. Clarify City preferred materials, equipment and available maintenance resources.

2. Prepare preliminary design plans including:

    a. Preliminary layout of improvements in relation to existing features.

    b. Prepare outline of technical specifications.

3. Prepare technical specifications (MS Word) and estimates (MS Excel).

4. The Consultant shall prepare project plans using the City's Standard Title Block to be located at the bottom right of each Plan sheet.

5. Prepare and submit construction plans, specifications and estimates (submittals 50%, and 90%) in compliance with the Public Contract Code and suitable for public bidding. For each phase of design the consultant shall respond to and incorporate the City's comments. Consultant shall schedule a minimum of 2 weeks for City review of each submittal. Each submittal shall include one complete reproducible hard copy set of plans and specifications. All submittals shall also be submitted on CD in AutoCAD and PDF formats. Specifications shall be in MS word format, and cost estimate shall be in MS Excel.

6. Identify, coordinate and assist in obtaining permits and project approvals from other agencies as required by the project. City will pay necessary fees.

Task 2 Final Design:

1. Submit 100% construction plans, specifications, and estimate in compliance with the Public Contract Code and suitable for public bidding.
2. Respond to and incorporate the City's comments.
3. Final plans shall be submitted wet signed/stamped hard copy and on compact disk (CD) in AutoCAD and PDF formats.

Prepare final signed bid documents, including specifications, drawings and construction cost estimate. Deliver a set of construction drawings, specifications and estimate for bidding purposes in both reproducible and electronic media.

Quality Control/Quality Assurance (QC/QA):

Consultant shall prepare plans, specifications, estimates, calculations, and other documents with the highest level of quality, free of technical and grammatical errors. Consultant shall implement and maintain the following minimum quality control procedures during the preparation of plans, specifications, estimates, calculations and all other documents relating to this project:

- Design and calculations are independently checked, corrected and back checked by the CONSULTANT;
- When different disciplines are involved, means to assure that conflicts and misalignments do not exist;
- QC/QA program shall provide for review and assurance of complete coordination and compatibility between the plans, specifications and estimated quantities;
- QC program shall include field reviews and review of all pertinent materials to assure compatibility of design with existing facilities.

City reviews of these documents shall not be considered part of the QC/QA program, but only intended to be for review of scope and to coordinate with other departments, QC/QA, compatibility, workable design and constructability of the design is the Consultant's sole responsibility.

Packages submitted for review by the City shall be accompanied by a QA/QC statement signed by a principal within the firm that they have reviewed the package and finds that is in compliance with Task 1 & 2 of this scope of work.

Task 3: Bidding Support Services:

City will be responsible for advertisement of the project. Consultant shall assist City during bid solicitation process. Consultant shall provide bid phase services, as requested by the City through award of the construction contract including the following; response to bidders' inquiries, preparation of addenda, attend and assist at two pre-bid meetings, evaluation of bids. Upon completion of bidding, consultant shall prepare a "Conformed" package of plans and specifications revised to incorporate all addenda ready to issue for contract award and construction. Consultant shall submit three conformed sets of contract documents hard copy and one electronic copy on CD in Auto CAD and PDF format.

Task 4: Technical Assistance During Construction:

Consultant shall provide construction observation, technical and administration services to ensure that the contractors work is in compliance with the contract documents. Consultant shall attend a pre-construction conference and regular construction meetings as required by the City Project Manager. Consultant shall review and respond to contractor submittals including shop drawings, samples, submittals, RFI's and product data in a timely manner in accordance with the required time limits in the contract documents. Should consultant fail to respond to Contractor submittals within the required timeframe the City shall assess liquidated damages for any and all delays resulting from Consultant's late response(s). Consultant shall assist the City with preparation of contract change orders. Consultant shall be responsible for all costs associated with any and all change orders and/or delays resulting from errors or omissions associated with the Consultant's design.

Task 5: System Checkout & Certification:

The consultant shall perform a system checkout following installation and prepare a checkout report that contains the potentials for the subject buried piping and fittings (i.e. "On" and "Off" potential measurements).

The consultant shall also provide a checkout report and Letter of Certification following the final system checkout certifying that the subject corrosion control system has been designed and installed in accordance with *NACE Standards*. This letter will be signed and stamped by a licensed Corrosion Engineer.

Task 6: Record Drawings:

The Consultant shall include creating Record Drawings as an item in the scope of work. Once construction of the improvements has been completed by the City's contractor and the project has had initial acceptance, the City will provide the Consultant with the contractors' as-built (red line) drawings. The Consultant (Engineer of Record) shall then prepare and sign the Record Drawings in the appropriate area and submit both a hard copy on mylar and an electronic copy on Compact Disc (CD) to the City within 25 days.

Schedule:

May 2013 Notice to Proceed

Task 1: Preliminary Engineering (May-mid June 2013)
- 50% Design Submittal
- 99% Design Submittal
- Review comments from City

Task 2: Final Design (June-July 2013)
- 100% Design Submittal
- Final plan submittal for bidding
- Review comments from City

Task 3: Bidding: (July-August 2013)
Project Advertisement
Conformed Plans and Specifications

Task 4: Technical Assistance During Construction: (September-December 2013)

Task 5: System Checkout & Certification –Testing and certified report:(December 2013)

Task 6: Record Drawings – 25 days after receipt of contractor red lines.

Exhibit B-1
Compensation

Cathodic Protection Improvement Project
JDH Manpower Cost Estimate
3/15/2013

Design Submittal Breakdown	Principal $190	Senior Engineer $175	Corrosion Design Sp. $160	Project Supervisor $150	Project Engineer $140	Field Technician $95	Subtotal
Task 1 - Preliminary Design							
1. 50% Design Submittal	2	2	64	16	10		$ 14,770
2. 90% Design Submittal	2	2	104	24	8		$ 22,090
3. QA/QC	4	2					$ 1,110
Task 2 - Final Design							
1. 100% Design Submittal	2	2	40	24			$ 10,730
2. Final plan design submittal for bidding	2	4	32	12	4		$ 8,560
3. Review Comments from City	2	2	32	12			$ 7,650
4. QA/QC	8	2					$ 1,870
Task 3 - Bidding Support Services							
1. Bid document consultation	2	2	16	6			$ 4,190
2. Conformed drawings and specifications	1	2	16	6			$ 4,000
3. QA/QC	2	2					$ 730
Task 4 - Technical Assistance During Construction							
1. Provide construction observation				16	8		$ 3,520
2. Preliminary testing & reporting				4	10		$ 2,000
3. As needed administrative services, including pre-construction conference and regular construction meetings			1	8			$ 1,360
4. As need review and response to project submittals form the City and the Contractor	1		8				$ 1,470
5. QA/QC	1	1					$ 365
Task 5 - System Checkout & Certification							
1. Final System Checkout				1	16	16	$ 3,910
2. Final Checkout Report		1		1	8		$ 1,445
3. QA/QC	2						$ 380
Task 6 - Record Drawings							
1. As-built Document Preparation and Mylar Projection			6				$ 960
Task 7 - Contingency							
1. Contingency							$ 8,890
Total							$ 100,000

jdh corrosion consultants, inc.

CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF MILPITAS AND GATES & ASSOCIATES

THIS AGREEMENT for consulting services is made by and between the City of Milpitas referred to herein as the ("City"), and Gates & Associates Landscape Architecture ("Consultant") as of May 7, 2013.

AGREEMENT

Section 1. **SERVICES**. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2014, the date of completion specified in Exhibit A, and Consultant shall complete all the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.

1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the professional standards normally observed by a practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession. Consultant shall prepare all work products required by this Agreement in a substantial manner and shall conform to the professional standards of quality normally observed by a person practicing in Consultant's profession.

1.3 **Professional Skill.** It is mutually agreed by the parties that City is relying upon the professional skill of the consultant as a specialist in the work, and Consultant represents to the City that its work shall conform to the normal professional standards of the profession. Acceptance of the Consultant's work by the City does not operate as a release of Consultant's representations. It is intended that Consultant's work shall conform to normal standards of accuracy, completeness and coordination.

1.4 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. Exhibit A shall name any specific personnel who shall be performing services. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

1.5 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to complete Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant an amount not to exceed Sixty-five Thousand dollars ($65,000) based on time and materials for all services to be performed and reimbursable costs incurred under this Agreement. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Hourly rates for personnel performing services shall be as shown in Exhibit B. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 **Invoices.** Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred during the billing period. Invoices shall contain the following information:

- Serial identification of bills;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion, if applicable;
- At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder, as well as a separate notice when the total number of hours of work by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours, which shall include an estimate of the time necessary to complete the work described in Exhibit A;
- The Consultant's signature.

2.2 **Monthly Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have thirty (30) days from the receipt of an invoice that complies with all of the requirements above and is otherwise acceptable to the City to pay Consultant. Ten (10) percent shall be retained by the City from each Agreement billing until the completion of the Agreement unless authorized differently by City. In the event that an invoice is not acceptable to the City, said invoice shall be returned to Consultant within thirty (30) days of the City's receipt of the invoice with a detailed explanation of the deficiency. City's obligation to pay a returned invoice shall not arise earlier than thirty (30) days after resubmission of the corrected invoice.

2.3 **Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment. In the event that Consultant identifies additional work outside the scope of services specified in Exhibit A that may be required to complete the work required under this Agreement, Consultant shall immediately notify the City and shall provide a written not-to-exceed price for performing this additional work.

2.4 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on Exhibit B.

2.5 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any other applicable federal or state taxes.

2.6 **Reimbursable Expenses.** Reimbursable expenses are shown on Exhibit B, and shall not exceed Two Thousand dollars ($2,000.00). Expenses not listed in Exhibit B are not chargeable to City. Reimbursable expenses are included in the total not-to-exceed amount of compensation provided under this Agreement.

2.7 **Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets in order to verify costs incurred to that date. The

City shall have no obligation to compensate Consultant for work not verified by logs or timesheets.

2.8 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of a written Notice to Proceed from the City.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, cellular telephone, long-distance telephone, or other communication charges, vehicles, and reproduction facilities.

If the performance of the work specified in Exhibit A requires destructive testing or other work within the City's public right-of-way, Consultant, or Consultant's subconsultant, shall obtain an encroachment permit from the City.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement and shall produce said policies to the City upon demand. The cost of such insurance shall be included in the Consultant's price. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

4.1 **Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS ($1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the

Labor Code shall be solely in the discretion of the City Attorney. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.2 **Commercial General and Automobile Liability Insurance.**

4.2.1 **General requirements.** Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 **Minimum scope of coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement shall be attached limiting the coverage.

4.2.3 **Additional requirements.** Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

a. City and its officers, employees, agents, contractors, consultants, and volunteers shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant;

premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or its officers, employees, agents, contractors, consultants, or volunteers.

b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.

c. An endorsement must state that coverage is primary insurance with respect to the City and its officers, officials, employees, contractors, consultants, and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.

d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.

e. An endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.3 **Professional Liability Insurance.** If Consultant shall be performing licensed professional services, Consultant shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS ($1,000,000) covering the licensed professionals' errors and omissions.

4.3.1 Any deductible or self-insured retention shall not exceed $150,000 per claim.

4.3.2 An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.3.3 The policy must contain a cross liability clause.

4.3.4 The following provisions shall apply if the professional liability coverages are written on a claims-made form:

a. The retroactive date of the policy must be shown and must be before the date of the Agreement.

b. Insurance must be maintained and evidence of insurance must be provided for at least three years after completion of the Agreement or the work, unless waived in writing by the City.

c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.

d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 Requirements for All Policies.

4.4.1 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A.

4.4.2 Verification of coverage. Prior to beginning any work under this Agreement, Consultant shall furnish City with certificates of insurance and with original endorsements effecting coverage required herein. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

4.4.3 Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.4.4 Deductibles and Self-Insured Retentions. Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of the City, Consultant may increase such deductibles or self-insured retentions with respect to City, its officers, employees, agents, contractors, consultants, and volunteers. The City may condition approval of an increase in deductible or self-insured

retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to the City.

4.4.5 **Notice of Reduction in Coverage.** In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five days after Consultant is notified of the change in coverage.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Declare Consultant in material breach of the Agreement and terminate the Agreement.

4.6 **Waiver.** The Risk Manager of the City has the authority to waive or vary any provision of Sections 4.2 through 4.5. Any such waiver or variation shall not be effective unless made in writing.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES. Consultant shall indemnify, defend with counsel reasonably acceptable to the City, and hold harmless the City and its officials, officers, employees, agents, contractors, consultants, and volunteers from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct or negligent acts or omissions of Consultant or its employees, subcontractors, or agents, by acts for which they could be held strictly liable, or by the quality or character of their work. The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the negligence or willful misconduct of the City or its officers, employees, agents, contractors, consultants, or volunteers and (2) the actions of Consultant or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law. It is understood that the duty of Consultant to indemnify and hold harmless includes the duty to defend as set forth in Section 2778

of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONSULTANT.

6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3. Otherwise, City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions and to perform this Agreement. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid business license from City.

7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the City or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

8.1 **Termination.** City may terminate this Agreement at any time and without cause upon written notification to Consultant.

In the event of termination, Consultant shall be entitled to compensation for services performed prior to the effective date of termination as provided in Section 2. City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

8.2 **Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein.

Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the City, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

8.3 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

8.4 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the City. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors listed in the Consultant's proposal, without prior written approval of the City.

8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, any or all of the following:

8.6.1 Immediate cancellation of the Agreement;

8.6.2 Retention of the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement prior to cancellation; and

8.6.3 Retention of a different consultant at Consultant's cost to complete the work described in Exhibit A not finished by Consultant.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City at any time upon demand of the City. It is understood and agreed that the documents and other

materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. Failure by Consultant to deliver these documents to the City within the time period specified by the City shall be a material breach of this Agreement. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are preliminary drafts not kept by the City in the ordinary course of business and will not be disclosed to third parties without prior written consent of both parties.

9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS ($10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

10.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Santa Clara or in the United States District Court for the Northern District of California.

10.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10.4 **No Implied Waiver of Breach.** The waiver of performance or any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

10.5 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

10.6 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10.7 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant were an employee, agent, appointee, or official of the City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et.seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, may be disqualified from holding public office in the State of California.

Consultant certifies that it has not paid any direct or contingent fee, contribution, donation or consideration of any kind to any firm, organization, or person (other than a bona fide employee of Consultant) in connection with procuring this Agreement, nor has Consultant agreed to employ or retain any firm, organization, or person in connection with the performance of this Agreement as a condition for obtaining this Agreement.

10.8 **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 **Contract Administration.** This Agreement shall be administered by Michael Boitnott who is authorized to act for, and on behalf of, City. All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.10 **Notices.** Any written notice to Consultant shall be sent to:

Gates & Associates
David Gates, Principal
2671 Crow Canyon Rd
San Ramon, Ca 94583

Any written notice to City shall be sent to:
Kathleen Phalen, Acting City Engineer
455 East Calaveras Boulevard
Milpitas, California 95035

10.11 **Professional Seal.** Where applicable in the determination of the City, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation.

10.12 **Integration.** This Agreement, including the exhibits, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

10.13 **Exhibits**. All exhibits referenced in this Agreement are incorporated by reference herein.

CITY OF MILPITAS

Thomas C Williams, City Manager

CONSULTANT

Taxpayer Identification Number

94-2731532

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

APPROVED AS TO CONTENT:

Kathleen Phalen, Acting Public Works Director/City Engineer

APPROVED:

Emma Karlen, Finance Director/Risk Manager

EXHIBIT A

SCOPE OF SERVICES FOR MCCARTHY BLVD. / RANCH DR. (LMD 95) LOCAL IMPROVEMENT DISTRICT IMPROVEMENTS

General:

The McCarthy Blvd. Lighting, Landscape and Maintenance District "LLMD" runs along portions of McCarthy Blvd. from South Ranch Dr. towards the Northern City limits and includes portions of Ranch Dr. see attached map for locations. The LLMD improvements were installed in the mid 1990's and many of them are in need of rehabilitation, repair or updating.

This improvement project is intended to correct deficiencies in the lighting, electrical, and irrigation, and planting. The work scope to correct all items is known to exceed the City's improvements. The Consultant will need to provide a set phased improvement plans that can be implemented over several years as funds become available. The first phase of work shall include removing any trip hazarders to pathways, corrections to the irrigation, lighting, and electrical systems and correct any significantly impacted landscape areas. The subsequent phase of work would include rehabilitation of landscaping and improvements that could not be completed in the first phase. The City wishes to put the project out to bid for construction in **Summer/Fall 2013.**

The landscape for the LLMD is primarily irrigated with recycled water.

Consultant and the City recognize the importance of the need to maintain the Consultant's key personnel throughout the entire duration of services, and therefore will conduct their business in a professional manner to schedule and support their personnel to provide the scope of services in a timely and professional manner.

TASK 1 –CONCEPT DESIGN

Subtask 1.1 – Project Start-up Meeting

Prepare work program and project schedule detailing major milestones, design tasks, reviews, and other items critical to the project design process.

Meet with City Staff to:

- Review project objectives, approach, & deliverables
- Verify regulatory/approval process & administrative procedures
- Define project deliverables
- Define phase 1 implementation area including McCarthy Boulevard/South Ranch Drive intersection and a typical median segment
- Clarify City preferred materials, equipment, & available resources

Subtask 1.2 – Assessment of LMD

Assess existing lighting, electrical, irrigation, and landscape through field reconnaissance:

- Meet with City representative on site and assess existing irrigation
- Meet with City representative on site before the sun rises or after the sun sets to assess existing lighting
- Assess existing landscape including compatibility with recycled water

Subtask 1.3 – Concept Development

Prepare overall landscape Master Plan of McCarthy Boulevard & Ranch Drive streetscape improvements. Plan will identify distinct landscape zones including the following:

- Intersection at McCarthy & South Ranch Drive
- Mall frontage
- East side of McCarthy at Interstate 880 frontage
- West side of McCarthy
- Medians
- Northern entry

Prepare annotated plan graphics illustrating recommendations and associated costs for each zone.

Identify materials options for:

- Plant palette
- Median paving
- Irrigation equipment

Prepare concept design for phase 1 implementation area including McCarthy Boulevard/South Ranch Drive intersection and a typical median Phase I improvement project is estimated to be between $300k and $400k.

- Prepare plan enlargement and concept imagery illustrating McCarthy Boulevard/South Ranch Drive intersection recommendations
- Prepare plan enlargement of recommendations for a typical median
- Project should have a 60-120 day plant establishment period

Subtask 1.4 – Comprehensive Lighting & Irrigation System Renovation

Prepare system wide recommendation options to address lighting and irrigation repair and update with cost analysis.

Subtask 1.5 – Council Presentation (Additional Services Option)

- Prepare illustrative plan and exhibits describing overall scope and Phase I project.
- Prepare PowerPoint presentation.
- Participate in Council presentation.

TASK 2 - CAD BASES

The objective of this task is to prepare an electronic base for the entire length of the project including McCarthy Boulevard and Ranch Drive.

Subtask 2.1 – Horticultural Analysis

Collect soil samples to develop recommendations for soil amendment.

Subtask 2.2 – Review of Existing Documents

Obtain and review:

- Existing As-built drawings (in paper format, no electronic drawings)
- Utility plat maps
- Tree survey / Arborist Report
- City Heritage Tree Policy
- Maintenance Reports

Subtask 2.3 – Field Survey

Conduct field survey of McCarthy Boulevard and Ranch Drive of tree locations and spot elevations

Subtask 2.4 – Base Map

Create CAD bases using existing as-builts, survey information, and field reconnaissance.

PRODUCTS:
CAD Base
Soil Analysis

TASK 3 - FINAL DESIGN

The objective of this task is to prepare a bid set of construction documents for construction of phase 1 of the approved preliminary plan. Development of a final design and delivery of a package of plans, specifications, and estimates (PS&E) that may be bid out for

construction. Project scope to include McCarty Boulevard/South Ranch Drive intersection and one median which can be used as a model for future median improvements

- This process will be coordinated by the Public Works Department.
- The design may include but not be limited to soil remediation, irrigation repair and/or replacement, lighting repair and/or replacement, plant removal and installation, removal and/or repair of damaged site elements, design of new site furnishings
- These plans shall be at reasonable scales, but not smaller than 1"=40' for site, and Civil, and 1/4" = 1' for structural plans.
- The PS&E package shall meet the requirements of the City Building and Planning departments, for review local and state codes for zoning, building, and CEQA submittal and approval requirements.
- The Consultant shall design the Project in compliance with latest City, State, and Federal Storm Water Pollution Prevention, Stormwater Treatment Requirements "C3" and Erosion Control guidelines. The Consultant shall provide Erosion Control Plan details, guidelines and technical specification section for the Contractor use in preparing the project SWPPP. The City wishes to keep the disturbed areas for this project to less than 1 acre so a NOI would not be required.
- The Consultant shall prepare Project Plans using the City's Standard Title Block to be located at the bottom right of each Plan sheet. (City to provide title block in AutoCAD)
- Project Specifications shall be prepared using the City's standard front end document – Sections A, B, C, D. The City also has several Technical Specification Sections (E) which are also standard that may be used on the project. If Consultant uses the City provided technical sections the Consultant will be required to stand behind the design. All other technical specification sections shall be prepared by the Consultant. The specifications shall be created in conformance with the current industry standard, CSI format. The technical specifications shall be coordinated with the plans and all the design disciplines. The technical specifications shall also accurately reflect the design plans for all the design disciplines. The construction documents shall conform to the applicable: California Building Code, Title 24, ADA, South Bay Recycled Water, and all other applicable local, State and Federal codes, regulations, permit requirements, and conditions necessary for issuance of a the necessary Permits. The specifications shall include measurement and payment wording. The Consultant shall coordinate the inclusion of the technical specifications into the front-end specifications as one packet. The Consultant shall provide estimated construction costs in the form of the contractor bid proposal format. Unit cost items shall be used whenever possible. The construction schedule shall be specified in working days or calendar days as approved by the City.
- Final plans ready for biding shall be submitted wet signed/stamped hard copy and on compact disk (CD) in AutoCAD and PDF formats.

Subtask 3.1 – 90% PS&E

Using City Standard title block, prepare 90% construction documents for the McCarthy Boulevard/South Ranch Drive intersection and one median, including:

- Demolition Plans
- Layout Plans
- Planting Plans & Details
- Irrigation Plans & Details per South Bay Regional Water Recycled Requirements
- Lighting Plans & Details
- SWPPP Plan

Technical Specifications (City to provide Front End, and bid estimate form). Update cost estimate

Subtask 3.2 – 100% PS&E

Meet with City to review plans, identifying any bid alternatives. Incorporate comments to complete plans and specs.

- Update estimate into bid format
- Prepare Water Budget calculation

Subtask 3.3 – Approvals

Assist City in obtaining approvals for electrical permit,

Subtask 3.4 – Quality Control

Consultant shall prepare plans, specifications, estimates, calculations, and other documents with the highest level of quality, free of technical and grammatical errors. Consultant shall implement and maintain the following minimum quality control procedures during the preparation of plans, specifications, estimates, calculations and all other documents relating to this project:

- Provide in-house independent quality control of 90% and 100% plans, specs and estimate.
- Crosscheck work of consultants

City reviews of these documents shall not be considered part of the QC/QA program, but only intended to be for review of scope and to coordinate with other departments, QC/QA, compatibility, workable design and constructability of the design is the Consultant's sole responsibility.

Subtask 3.5 – Final PS&E

- Incorporate any City comments.
- Prepare final bond copy for signature.
- Digital Copy of PS&E in MS Word, AutoCAD, and pdf.

PRODUCTS:

90% and 100% PS&E
Final Mylar(s)

TASK 4 - CONSTRUCTION

The objective of this task is to provide support to City during construction.

Subtask 4.1 - Bid Assistance

- Attend pre-bid conference, prepare addenda, and respond to questions.
- Assist in evaluation of bids

Subtask 4.2 - Construction Administration Assistance

- Attend a pre-construction conference.
- In a timely manner review and process submittals, as outlined in the specifications.
- Respond to Contractor RFI's relating to technical specifications and plans
- Furnish supplemental drawings and clarifications to clarify the design intent.
- Review Change Orders

Generally, such review shall take no more than four (4) working days for RFIs and Ten (10) calendar days for submittal

Subtask 4.3 - Construction Observation

- During and at completion of project, to verify conformance with plans. Allow for up to two (2) site visits.

Subtask 4.4 - Project Closing

- Prepare as-built drawing per contractor's plans, RFI's and Change Orders.
- Review project at end of maintenance period, or acceptance.

MEETINGS:

Pre-Bid	1
Pre-Construction	1
Construction Observation	1
Project Closeout	1

PRODUCTS:

Addendum/Clarifications
Submittals/RFI's
Field Revisions/Punch List
~~Mylar As-Builts~~, AutoCAD As-built, and pdf

Task 5 — Additional Services

- The City will provide written direction and authorization prior to beginning any additional services.

The scope of work listed below is included by reference in tasks 1-4 outlined above which is included in the base fee.

Prepare complete electrical engineering design for remediation of existing electrical and illumination deficiencies through portions of McCarthy Blvd. and Ranch Dr. Scope items included within this proposal include:

- **Meeting with City personnel to review deficiencies and review existing conditions on-site. Prepare list of items to be confirmed by City and their independent maintenance contractors. Items included:**
  - **Electrical distribution: Items associated with main service pedestal(s), controls, and branch circuit wiring.**
  - **Lighting maintenance issues: Items associated with repair of existing broken fixtures or enhanced illumination to non-roadway items.**
  - **Investigate energy retrofit options for LED and induction within existing fixtures to remain and proposed maintenance replacements.**
- **Prepare plans and specifications in accordance to public contract law.**
- **Provide engineer's estimate at intervals directed by Client and City.**
- **Provide bidding and construction support. Note, this proposal at this time is predicated on a single phase of bidding and construction with a single contractor throughout construction.**

Project Tasks are as follows:

Task 1: Initial Assessment: Provide (1) kick-off meeting to review project goals and expectation. Discuss City's known deficiencies and concerns. Review existing conditions with staff in evening conditions as necessary to meet project objectives. Prepare written report of findings for use in establishing project objectives in later phases.

Task 2: Concept/Schematic Design: Prepare solutions to remediate deficiencies from Task 1 above. Deliverables to include plans, studies, and /or reports to convey information to City staff. Provide preliminary costs and life-cycle costs for maintenance upgrade items as needed. Attend (1) meeting with City during this phase. Items to be considered:

- **Electrical distribution: Items associated with replacement of system components and means to enhance reliability and reduce maintenance.**
- **Lighting maintenance issues: Provide alternate light fixture solutions and means to illuminate architectural landscape features. Prepare life-cycle costing for LED alternatives.**

Task 3: Final Design/Construction Documents: ~~Prepare 35%~~ and 90% drawing and specifications set submittals for City comments. Continue to develop the design with additional details for general system configuration and specifying of major components per tasks above. Items within each submittal include.

1. Continue to coordinate design activities with Client.
2. Compute connected and demand loads for panelboard schedules and single line diagram.
3. Develop drawings with some of the following general scope/diagrams:
   a. Cover Sheet
   b. Demolition Plan (as required)
   c. Electrical Plans
   d. Details
   e. General Diagrams and Schedules
4. Develop written specifications for specified systems.
5. Prepare engineer's construction cost estimate.

Prepare a 100% bid documents set based upon Client's comments. Finalize design and prepare for public bidding.

1. Finalize connected and demand loads for panelboard schedules and single line diagram.
2. Develop completed drawings with some of the following general scope/diagrams:
   a. Cover Sheet
   b. Demolition Plan (as required)
   c. Electrical Plans
   d. Control Diagrams
   e. General Diagrams and Schedules
3. Finalize written specifications for specified systems.
4. Update engineer's construction cost estimate.
5. Anticipate no meetings with Client during this Task.

Task 4: QC/QA: Certify drawings have been adequately coordinated with all disciplines and proposed design is constructible in accordance to the City's scope of work letter.

Task 5: Bidding Support: Provide bidding assistant services related to addenda creation and RFI responses to bidders.

Task 6: Construction Administration: Provide construction administration services related to submittal review and RFI responses. Provide (0) site visits to review construction and create punchlists.

Task 7: Project Close-out: Provide (1) site visit to review construction and create final punchlist. Review asbuilt drawings prepared by contractor and update CAD files to reflect actual conditions.

EXHIBIT B

COMPENSATION SCHEDULE

Time & Material Bases Not to Exceed

Task 1-4	$62,000
Task 5	$3,000
Total	$65,000

MCCARTHY BLVD. LANDSCAPE & LIGHTING IMPROVEMENTS
Milpitas, California

March 29, 2013

		GATES + ASSOCIATES				Civil*	Electrical**		
		Managing Principal	Project Management	Irrigation	Associate			Reimbursables	Subtotal
	Hourly Rate	$155	$120	$120	$100				
TASK 1 – CONCEPT DESIGN									
Subtask 1.1	Project Start-up Meeting	4	6						
Subtask 1.2	Assessment of LMD		8	8					
Subtask 1.3	Concept Development	4	8		24				
Subtask 1.4	Comprehensive Lighting & Irrigation System Renovation		8	16			$ 2,620.00		
Subtask 1.5	Preferred Alternative Selection	4	4		4				
Subtotal Hours		12	34	24	28				
Subtotal Fee		$ 1,860.00	$ 4,080.00	$ 2,880.00	$ 2,800.00		$ 2,620.00		$ 14,240.00
TASK 2 - FIELD SURVEY									
Subtask 2.1	Horticultural Analysis		2					$ 2,000.00	
Subtask 2.2	Review of Existing Documents		8						
Subtask 2.3	Base Map Preparation		2		20	$ 13,935.00			
Subtotal Hours		0	12	0	20		0		
Subtotal Fee		$ -	$ 1,440.00	$ -	$ 2,000.00	$ 13,935.00	$ -	$ 2,000.00	$ 19,375.00
SUBTOTAL TASKS 1 & 2									$ 33,615.00
TASK 3 - FINAL DESIGN									
Subtask 3.1	90% PS&E		8	8	24	$ 3,000.00	$ 3,675.00		
Subtask 3.2	100% PS&E		6	6	16		$ 1,550.00		
Subtask 3.3	Approvals								
Subtask 3.4	Quality Control	8							
Subtask 3.5	Final PS&E		2	2	6				
Subtotal Hours		8	16	16	46				
Subtotal Fee		$ 1,240.00	$ 1,920.00	$ 1,920.00	$ 4,600.00	$ 3,000.00	$ 5,225.00		$ 17,905.00
TASK 4 - CONSTRUCTION									
Subtask 4.1	Bid Assistance		8				$ 850.00		
Subtask 4.2	Construction Administration Assistance		16	6			$ 1,145.00		
Subtask 4.3	Construction Observation		12	4					
Subtask 4.4	Project Closing		4	4			$ 1,260.00		
Subtotal Hours		0	40	14	0			0	
Subtotal Fee		$ -	$ 4,800.00	$ 1,680.00	$ -		$ 4,000.00		$ 10,480.00
SUBTOTAL TASKS 3 & 4									$ 28,385.00
TOTAL									$ 62,000.00
OPTIONAL	Council Presentation	4	8		4				
		$ 620.00	$ 960.00	$ -	$ 400.00			(Optional)	$ 1,980.00
Reimbursables including mileage and prints to be billed at cost + 10%									

* See Attachement for civil breakdown, tasks 1 & 2 included, tasks 3 & 4 excluded
** See attachment for lighting/electrical breakdown

PROJECT COST PROPOSAL

Bellecci & Associates, inc.

MaCarthy Blvd. Landscape & Lighting Improvements - Project No. 3402

Land Surveying Component

March 28, 2013

	PROJECT BUDGET ESTIMATE									
TASK	RATE	190	175	164	148	120	190			
#	TASKS DESCRIPTION	PIC*	PROJ. MNGR.	LAND SURVEYOR	SURVEY COORD.	SURVEY TECH	SURVEY CREW	HRS. /TASK	DIRECT COST	TOTAL COST
Task 1 - Project Control - Based on CA Coordinate System, NAD 83/NAVD 88										
1	Project planning session and kick-off meeting with Prime Consultant	1	1	0	1	0	0	3		$513
2	Set Project Control per Subscribed Network with Trimble R10 GPS reciever	0	0	1	1	0	8	10		$1,832
	Sub-Total	1	1	1	2	0	8	13	$0	$2,345
Task 2 - Field Topographic Survey										
1	Field topo survey (McCarthy & Ranch Drive) of Trees and Representative Spot Shots	0	0	2	10	0	32	44		$7,888
2	Office survey, processing, DTM & CAD drafting.			0	24	0	0	24	$150	$3,702
	Sub-Total	0	0	2	34	0	32	68	$150	$11,590
Task 3 - Verify Locations & Inverts of Ex. Utilitys & Plot Utility Mapping										
1	Field tie visible utilities within specific project area.(Inverts included.)	0	0	0	0	0	0	0		$0
	(Excludes Pot-holing or Subcontractor Utility locater service.)									
	Sub-Total	0	0	0	0	0	0	0	$0	$0
Task 4 - Record Research (Optional Items)										
1	Research and Plot recorded Parcel, Subdivision & ROS Maps	0	0	0	0	0	0	0	$0	$0
2	Research Deed Lots and calculate best-fit from record (Parcels without survey.)	0	0	0	0	0	0	0	$0	$0
	Sub-Total	0	0	0	0	0	0	0	$0	$0
	Project Sub Total								$0	$13,935
OPTIONAL TASKS-(see attached rate sheet)										
	PROJECT TOTALS	1	1	3	36	0	40	81	150	$13,935

NOTE: BREAKDOWN OF HOURS SHOWN IS FOR ACCOUNTING PURPOSES ONLY. DISTRIBUTION OF HOURS MAY VARY.

Assumptions & Qualifications

1 Gates will prepare the CAD file project base map utilizing Record Drawings provided to them by the City of Milpitas. A copy of the completed base map will be provided to us - at no cost - for use in completing our project tasks.

2 We will collect data for tree locations along with representative spot shots of ground and slopes in both the median islands and along the roadway perimeter of both McCarthy Blvd and Ranch Drive.

3 We will insert the tree shots and the spot shots into the CAD file provided by Gates. We exclude any services associated with preparing a detailed digital topographic survey map.

4 Spot shots will not be of sufficient density and detail to enable the creation of contours for either planning or final design.

Miller Pezzoni & Associates

Task	Sub-Task		Personnel		Scope Description
					General Scope/Meetings
Task 1: Initial Assessment					
			PE		12
			Assist. Eng.		4
			CAD/Clerical		
Task 2: Concept/Schematic Design					
			PE		5
			Assist. Eng.		4
			CAD/Clerical		8
Task3: Design/Construction Documents					
	35% Submittal		PE		2
			Assist. Eng.		4
			CAD/Clerical		15
	90% Submittal				
			PE		4
			Assist. Eng.		12
			CAD/Clerical		32
	100% Submittal				
			PE		3
			Assist. Eng.		2
			CAD/Clerical		12
Task 4: QC/QA					
			PE		
			Assist. Eng.		
			CAD/Clerical		
Task 5: Bidding Support					
			PE		2
			Assist. Eng.		2
			CAD/Clerical		4
Task 6: Construction Administration					
			PE		3
			Assist. Eng.		3
			CAD/Clerical		4
Task 7: Project Close-out					
			PE		5
			Assist. Eng.		2
			CAD/Clerical		2
Totals	$	180.00	PE		36
	$	115.00	Assist. Eng.		33
	$	65.00	CAD/Clerical		77
				$	15,280.00
			TOTAL	$	15,280.00

EXHIBIT C

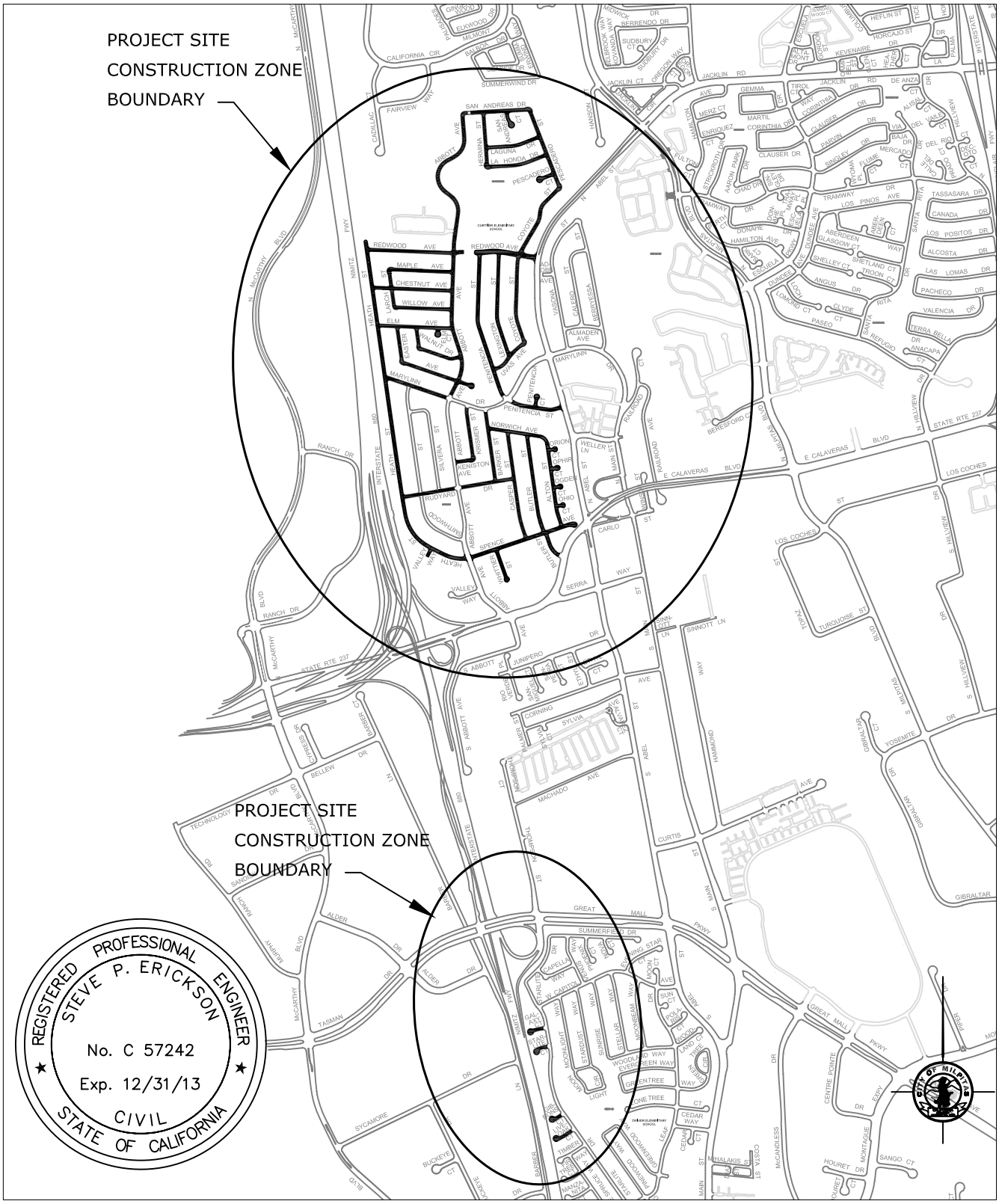
INSURANCE DOCUMENTS

CITY OF MILPITAS

STREET RESURFACING PROJECT 2013

STREET CAPE AND SLURRY SEAL PROJECT NO. 4254 and 4268

***14**



REGISTERED PROFESSIONAL ENGINEER
STEVE P. ERICKSON
No. C 57242
Exp. 12/31/13
CIVIL
STATE OF CALIFORNIA

PROJECT SITE

Drawn By: NF	Date: 5/07/2013	RECOMMENDED BY: _____ Steve P. Erickson, CIP Manager	Project No. 4254 & 4268
Check By: SC	Date: 5/07/2013	APPROVED BY: _____ Kathleen Phalen, Acting Public Works Director/ City Engineer	Scale: N. T. S.
Designed By: JN	Date: 5/07/2013		Sheet No. 1 of 47