

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**



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)

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, Fremont, 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 minimis 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	
<u>Live-Work Units</u>	<u>Single family and Duplexes parking requirements shall apply, plus 1.5 for the commercial component</u>
<i>Single Family and Duplexes:</i> 3 bedrooms or fewer 4 or more bedrooms	2 per unit ⁴ 3 per unit, plus 1 per each additional bedroom ⁴
<i>Multi-Family (R3-R5 zones):</i> Studio 1 bedroom 1 or more 2 - 3 bedrooms 4 or more bedrooms	1 covered per unit 1.5 covered per unit 2 covered per unit 3 per unit, plus 1 additional space for each additional bedroom (at least two covered). ⁴
Guest parking Projects with Parking structures Projects with Private garages	15% of the total required, may be uncovered 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
<i>2.a-G-2: Maintain a relatively compact urban form.</i>	Consistent
<i>2.a-G3. Provide for a variety of housing types and densities that meet the needs of individuals and families.</i>	Consistent
<i>2.a-G-4: The Town Center will be the “heart” of Milpitas’ civic, cultural, business, and professional life.</i>	Consistent
<i>2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.</i>	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

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 agendaize 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 AMENDMENT NO.
ST12-0002, ZONING
AMENDMENT NO.
ZA12-0003, PLANNED
UNIT DEVELOPMENT
NO. PD12-0002, MAJOR
TENTATIVE MAP NO.
MT12-0002, SITE DE-
VELOPMENT 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



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

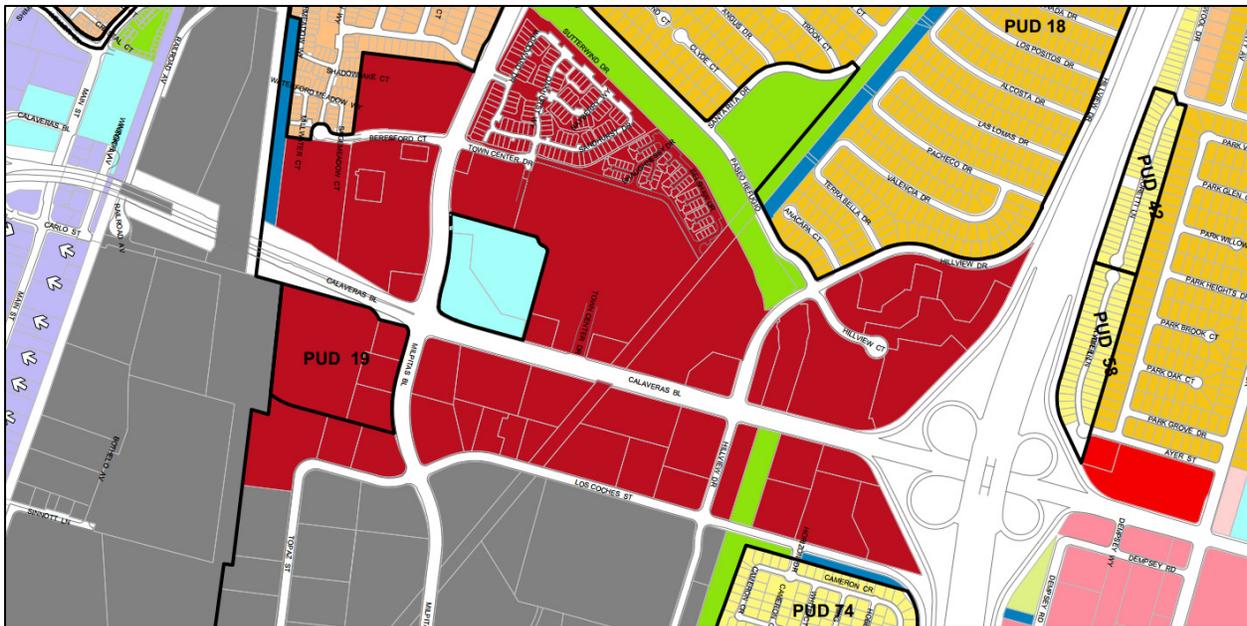
LOCATION MAP



 Project Site


No scale

ZONING MAP



 Town Center Zoning District

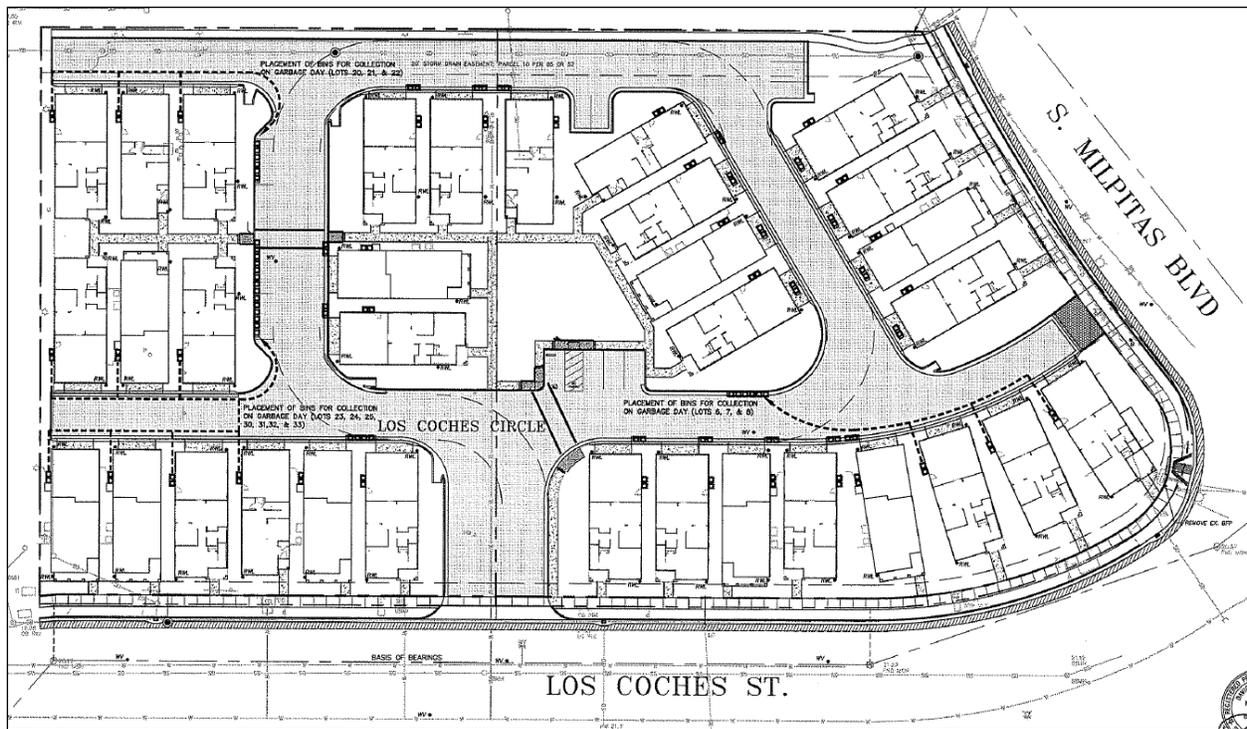
BACKGROUND

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.

Pedestrian and Bicycle Facilities

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
<u>Density</u> (Min-Max)	1-40 dwellings per gross acre	12 dwellings per gross acre
<u>Setbacks</u> (Minimum)	Determined through Site Development Permit process	See discussion below
<u>Lot Coverage</u> (Maximum)	None	Not applicable
<u>Building Height</u> (Maximum)	35 ft. or three stories	Two stories for Residential

	Zoning Ordinance	Proposed
		Three stories for live-work (Not to exceed 35 ft.)
<u>Parking</u> (Minimum) See discussion below.	85 spaces	84 spaces
<u>Open space</u> (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
<i>2.a-G-2: Maintain a relatively compact urban form.</i>	Consistent
<i>2.a-G3. Provide for a variety of housing types and densities that meet the needs of individuals and families.</i>	Consistent
<i>2.a-G-4: The Town Center will be the “heart” of Milpitas’ civic, cultural, business, and professional life.</i>	Consistent

Guiding Principles and Implementing Policies	Consistency Finding
<i>2.a-I-20: Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.</i>	Consistent
<i>2.a-I-21: Require development in the Town Center to conform to the adopted design principles/requirements of the Milpitas Redevelopment Agency.</i>	Consistent
<i>3.d-I-25: Where appropriate, require new development provide public access points to the trail system and/or contribute to staging areas.</i>	Consistent.
<i>3.d-I-27: Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.</i>	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 per 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



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 agendaize 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.

APPROVED

Planning Commission Minutes

March 27, 2013

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.

APPROVED

Planning Commission Minutes

March 27, 2013

(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 ASSESS-
MENT 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)

APPROVED

Planning Commission Minutes

March 27, 2013

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 quality 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:

APPROVED
Planning Commission Minutes
March 27, 2013

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

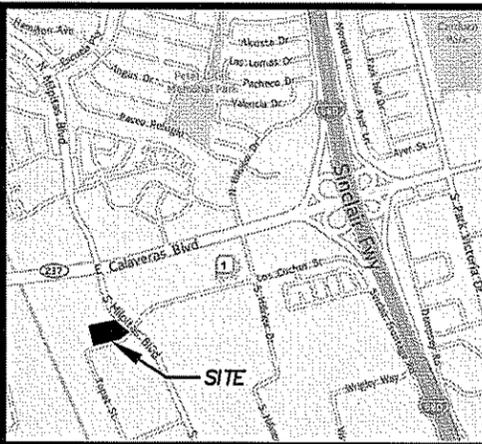
Veronica Bejines
Recording Secretary

APPROVED
Planning Commission Minutes
March 27, 2013

TENTATIVE SUBDIVISION MAP

FORTY TWO LOT SUBDIVISION FOR TOWNHOUSE PURPOSES

345 AND 375 LOS COCHES

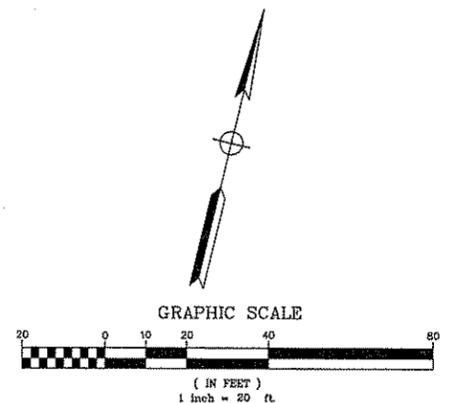
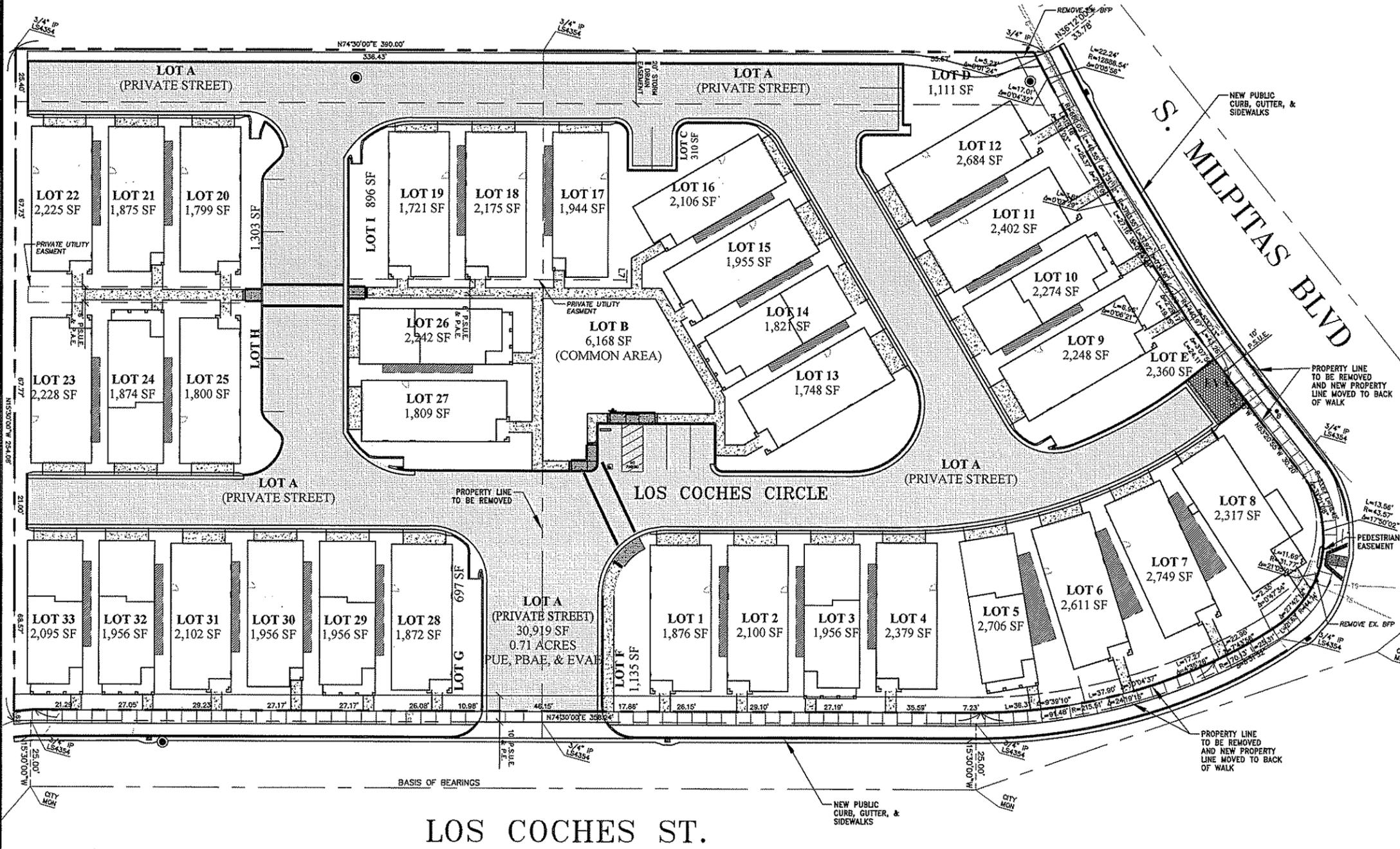


VICINITY MAP NTS

LEGEND:

- STANDARD MONUMENT BOX FOUND AS NOTED
- 3/4" IRON PIPE SET, TAGGED "LS 6395"
- 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.
- P.E.
- P.I.E.E.
- P.S.D.E.
- P.S.E.
- PR.S.E.
- P.S.S.E.
- P.S.U.E.
- (R)
- S.F.

- STANDARD MONUMENT BOX FOUND AS NOTED
- 3/4" IRON PIPE SET, TAGGED "LS 6395"
- 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
- PEDESTRIAN ACCESS EASEMENT
- PLANTING EASEMENT
- PRIVATE INGRESS AND EGRESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC SERVICE EASEMENT
- PRIVATE SERVICE EASEMENT
- PRIVATE SANITARY SEWER EASEMENT
- PRIVATE SERVICE AND UTILITY EASEMENT
- RADIAL
- SQUARE FEET



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. 1530 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.

NO.	DATE	REVISIONS

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1530 OAKLAND ROAD, SUITE A114
SAN JOSE, CA 95131
TEL: (408) 433-2222 FAX: (408) 433-2227

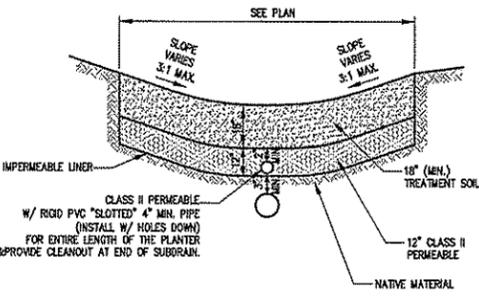
375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

COVER SHEET
TENTATIVE MAP

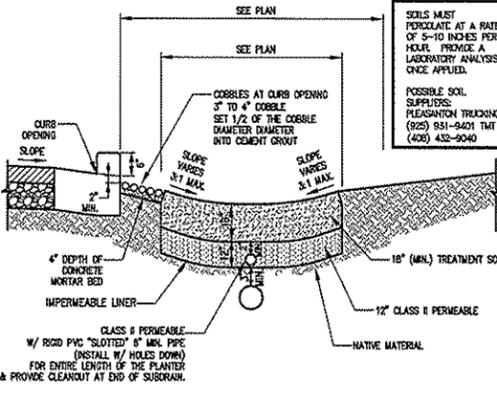
Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
T1



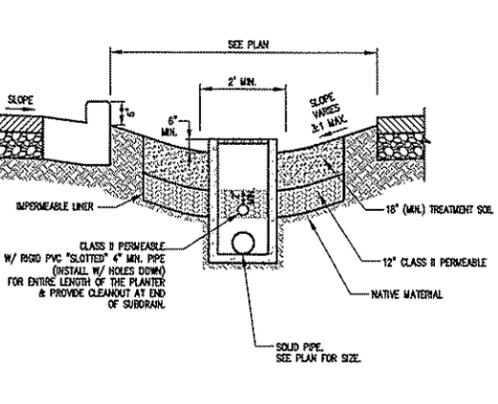
SOIL CONSIDERATIONS:
 THE CONTRACTOR MUST PROVIDE A SOIL CERTIFICATE OF COMPLIANCE TO THE CITY OF MILPITAS ENVIRONMENTAL SERVICES DIVISION TO VERIFY THAT THE SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES MEETS BASMAA SOIL SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF THE CLEAN WATER PROGRAM'S C.S STORMWATER TECHNICAL GUIDANCE MANUAL.



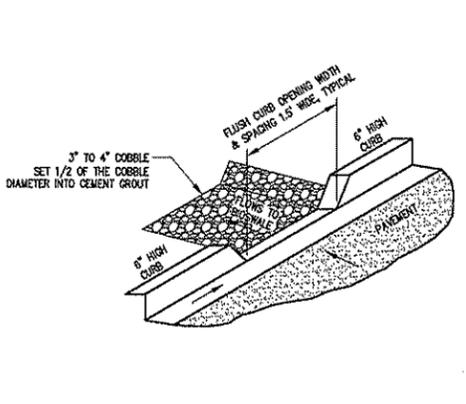
1 BIO-RETENTION DETAIL N.T.S.



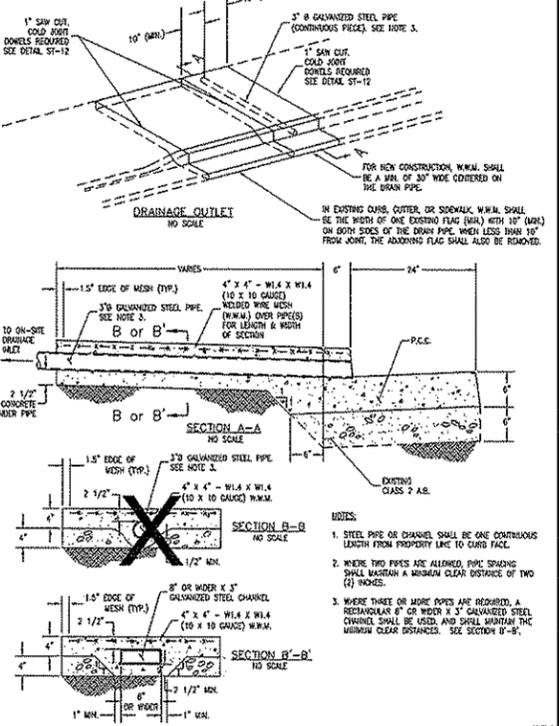
2 SWALE AT CURB OPENING N.T.S.



3 SWALE - AT INLET N.T.S.



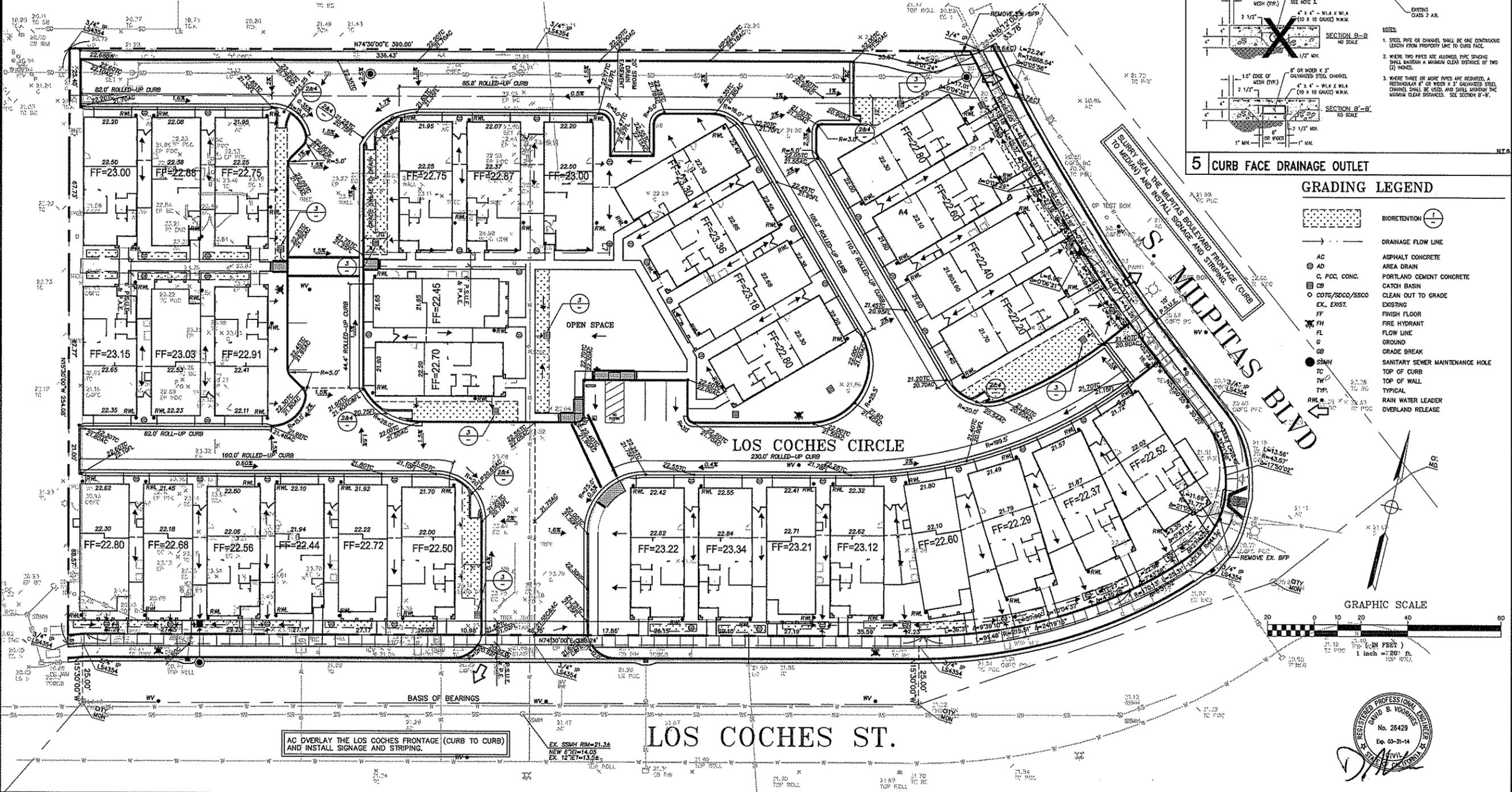
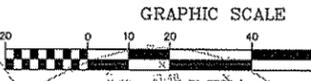
4 CURB OPENING - SECTION N.T.S.



5 CURB FACE DRAINAGE OUTLET N.T.S.

GRADING LEGEND

- BIORETENTION
- DRAINAGE FLOW LINE
- ASPHALT CONCRETE
- AREA DRAIN
- PORTLAND CEMENT CONCRETE
- CATCH BASIN
- CLEAN OUT TO GRADE
- EX. EXIST.
- FINISH FLOOR
- FIRE HYDRANT
- FLOW LINE
- GROUND
- GRADE BREAK
- SANITARY SEWER MAINTENANCE HOLE
- TOP OF CURB
- TOP OF WALL
- TYPICAL
- RAIN WATER LEADER
- OVERLAND RELEASE



AC OVERLAY THE LOS COCHES FRONTAGE (CURB TO CURB) AND INSTALL SIGNAGE AND STRIPING.

EX. SSMH RIM=21.34
 NEW 6" RIM=14.05
 EX. 12" RIM=13.05

LOS COCHES ST.



NO.	DATE	REVISIONS

UNDERWOOD & ROSENBLUM, INC.
 civil engineers and surveyors
 125 N. 1ST ST., SUITE 200
 MILPITAS, CA 95035
 TEL: (408) 953-1222
 FAX: (408) 953-1227

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

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE			
TOTAL SITE (ACRES)	PROJECT PHASE NUMBER		DNE (1)
	EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	
2.66	2.66	2.66	
IMPERVIOUS SURFACES			
ROOF AREAS	19,795	19,795	20,541
PARKING	19,710	19,710	—
SIDEWALKS, PATIOS, PATHS, ETC	2,063	2,063	5,407
STREETS (PUBLIC)	—	—	—
STREETS (PRIVATE)	—	41,568	8,829
TOTAL IMPERVIOUS SURFACES	41,568	21,858	34,777
PERVIOUS SURFACES			
LANDSCAPED AREAS	9,210	9,210	30,111
PERVIOUS PAVERS	—	—	—
OTHER PERVIOUS SURFACES (GREEN ROOF, ETC)	64,870	—	—
TOTAL PERVIOUS SURFACES	74,080	9,210	30,111
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES		76,345	
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES		39,321	

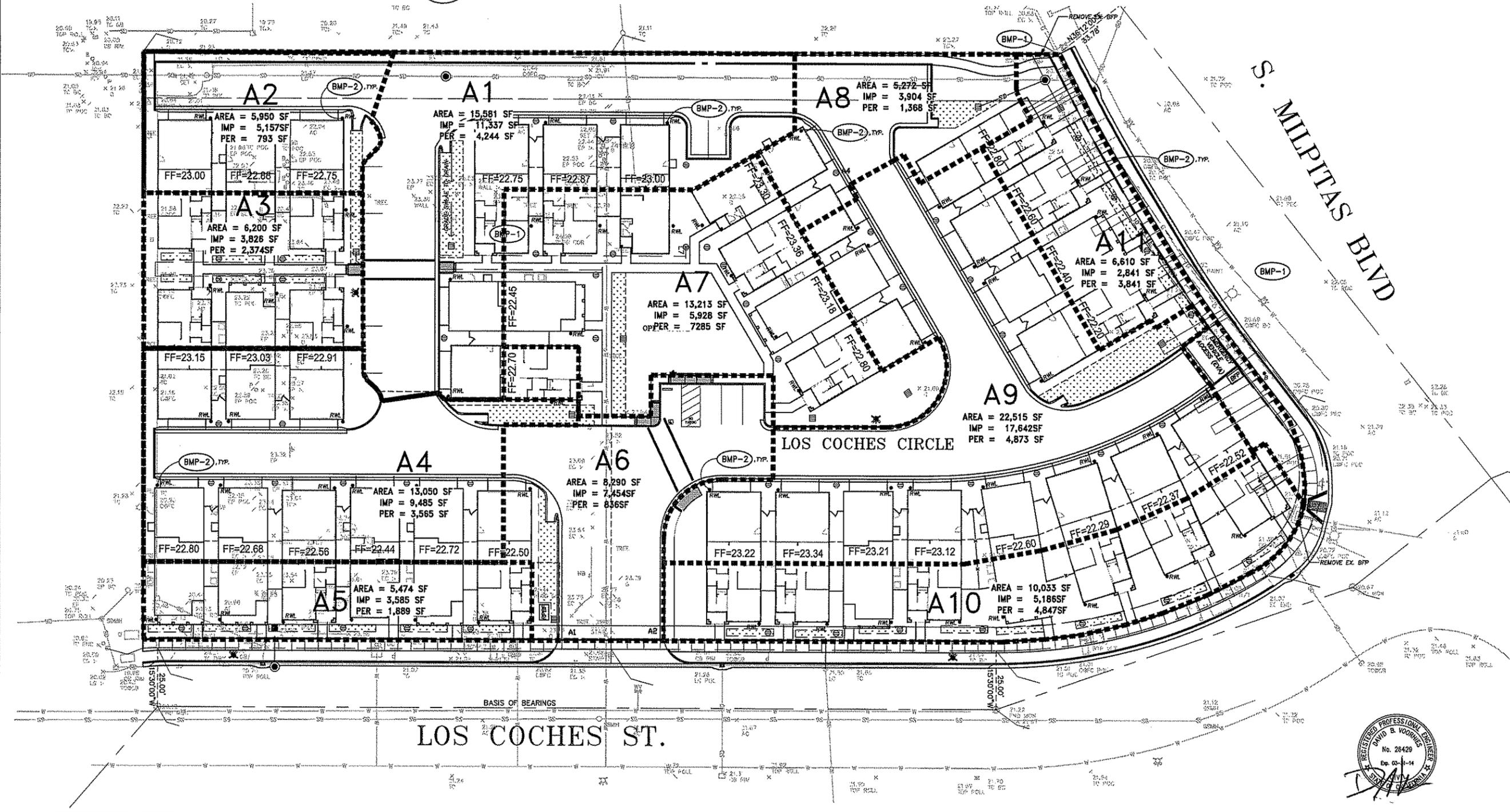
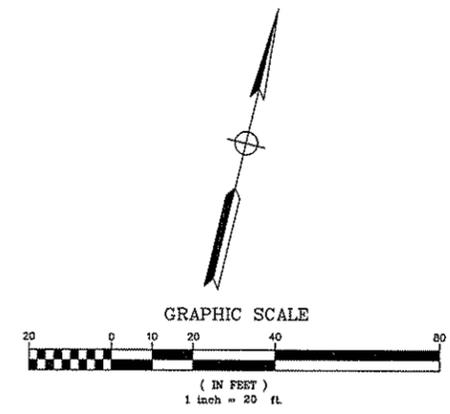
AREA CALCULATION							TREATMENT AREA	
ID AREA	LANDSCAPE AREA (SF)	ROOF AREA (SF) (IMP)	IMPERVIOUS SIDEWALK/WALKWAY AREA (SF)	IMPERVIOUS PRIVATE STREET AREA (SF)	TOTAL IMPERVIOUS AREA (SF)	SUBSTANTIATION AREA (SF)	TYPE (BP)	IMP (SF)
A1	4244	3298	131	7908	11,337	434	1	435
A2	790	2157	648	2352	5,157	206	1	206
A3	2374	3,470	356	0	3,826	153	1	158
A4	3,565	5,5,238	612	3,635	9,485	380	1	380
A5	1,889	3,240	345	0	3,585	144	1	360
A6	635	355	124	6,975	7,454	898	1	342
A7	7,285	4,966	968	0	5,928	237	1	280
A8	1,368	1,266	345	2,293	3,904	156	1	222
A9	5,073	10,729	0	6,713	17,442	698	1	747
A10	4,847	4,512	674	0	5,186	208	1	240
A11	3,769	2,068	773	0	2,841	114	1	323
TOTAL AREA	35,843	41,299	4,970	30,076	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



DATE	1	1	1
REVISIONS			
DESIGNER			
DRAWN			
CHECKED			
DATE	1	1	1

UNDERWOOD & ROSENBLUM, INC.
 civil engineers and surveyors
 1300 Los Coches St., Milpitas, CA 95035
 Tel. (408) 437-1222 Fax (408) 437-1227

**375 LOS COCHES STREET
 CASTLE COMPANY**
 MILPITAS CALIFORNIA

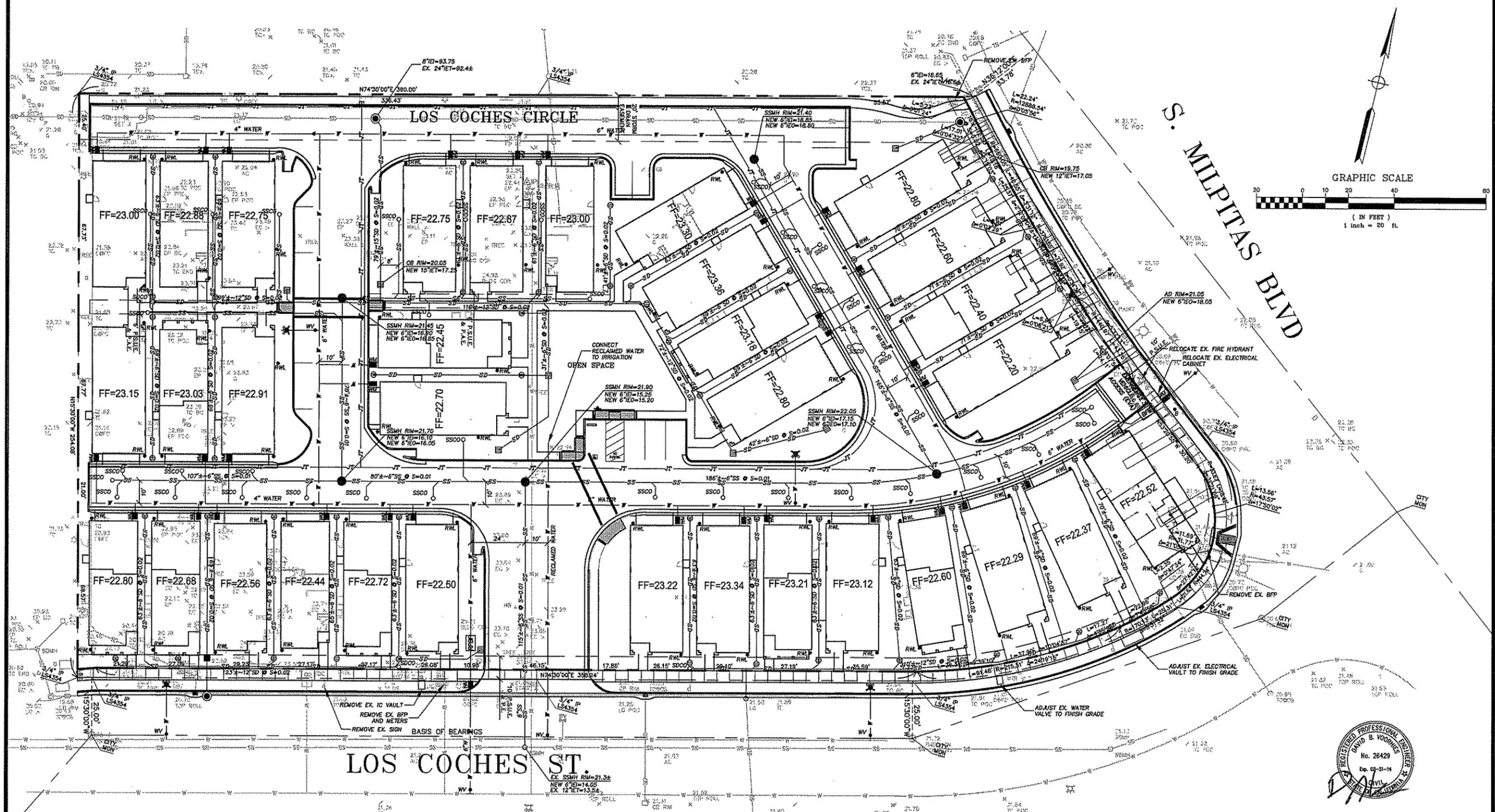
**GRADING & STORM CONTROL PLAN
 TENTATIVE MAP**

Date 9-27-2012
 Scale 1"=20'
 Design By: DV
 Job J11076
 Sheet
T2.1

UTILITY LEGEND

— PER —	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
IE	INVERT ELEVATION IN
IEO	INVERT ELEVATION OUT
JET	INVERT ELEVATION THROUGH

- 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.



DATE				
REVISIONS				
DESC.				

UNDERWOOD & ROSENBLUM, INC.
Civil Engineers and Surveyors
1300 California Street, Suite 100
Milpitas, CA 95035
Tel: (408) 437-1222 Fax: (408) 437-1227

UR

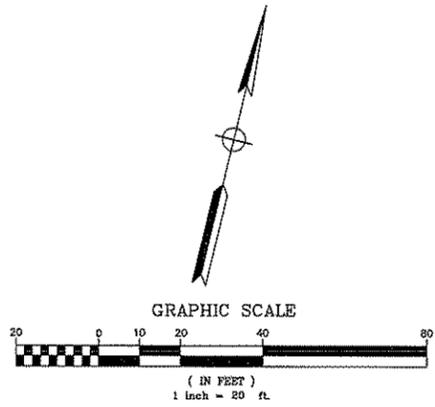
375 LOS COCHES STREET
CASTLE COMPANY
MILPITAS CALIFORNIA

UTILITY PLAN
TENTATIVE MAP

Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet

T3

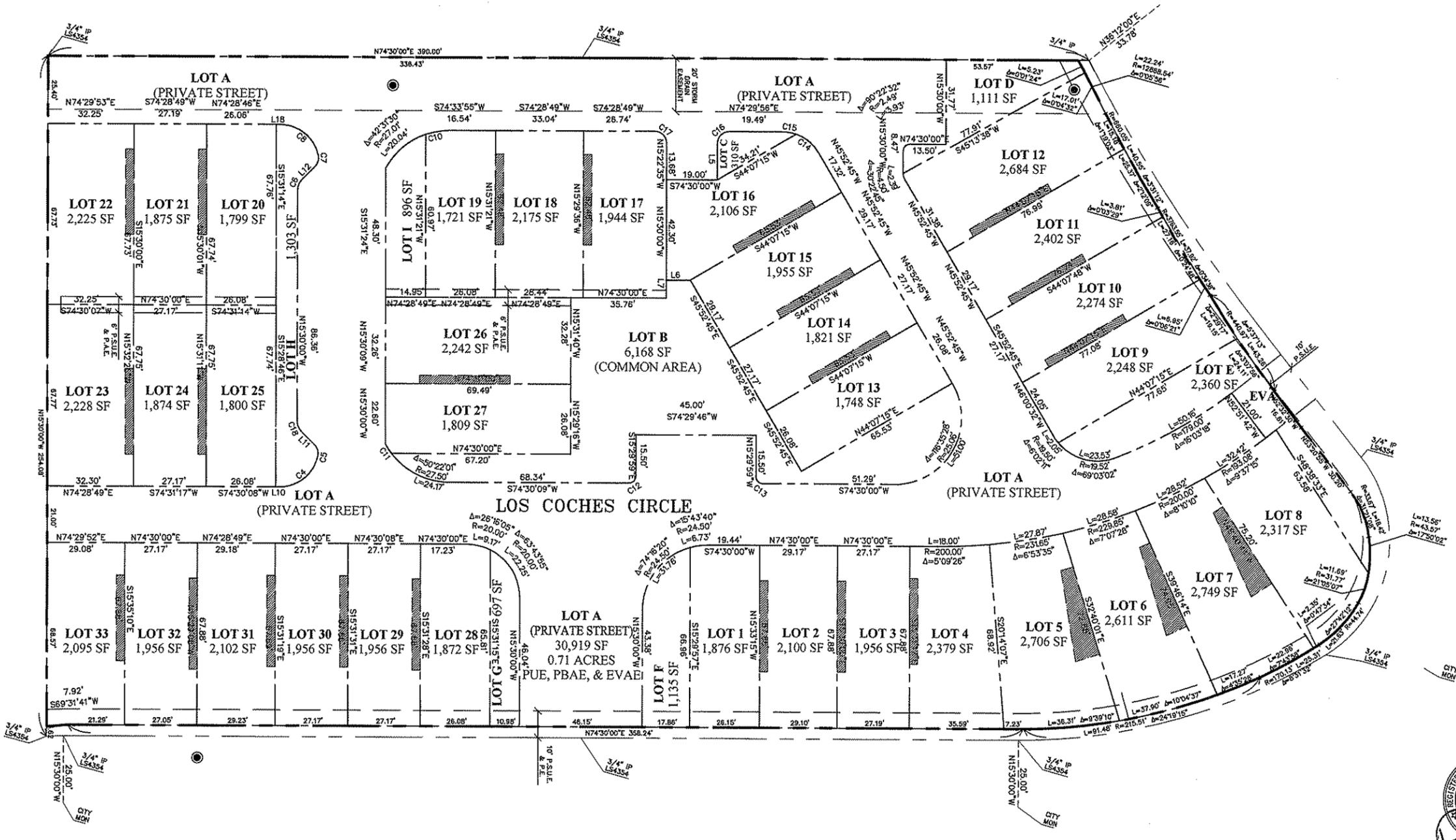




LINE TABLE			CURVE TABLE			
LINE	LENGTH	DIRECTION	CURVE	LENGTH	RADIUS	DELTA
L5	13.66'	N15°30'00"W	C4	20.02'	14.50'	79°06'05"
L6	9.00'	N74°30'00"E	C5	20.02'	14.50'	79°06'05"
L7	4.73'	N15°30'00"W	C6	4.32'	5.50'	45°00'00"
L11	6.92'	N60°30'00"W	C7	4.39'	4.50'	55°53'55"
L12	6.92'	N29°30'00"E	C8	20.02'	14.50'	79°06'05"
L18	1.50'	S74°28'49"W	C10	9.71'	30.34'	181°9'51"
			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	10.82'	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"

LEGEND:

	STANDARD MONUMENT BOX FOUND AS NOTED
	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
	PEDESTRIAN ACCESS EASEMENT
	PLANTING EASEMENT
	PRIVATE INGRESS AND EGRESS EASEMENT
	PRIVATE STORM DRAIN EASEMENT
	PUBLIC SERVICE EASEMENT
	PRIVATE SERVICE EASEMENT
	PRIVATE SANITARY SEWER EASEMENT
	PRIVATE SERVICE AND UTILITY EASEMENT
	RADIAL
	SQUARE FEET



DATE	1	1	1	1
REVISIONS				
DESC.				

UNDERWOOD & ROSENBLUM, INC.
Civil Engineers and Surveyors
1300 Wilshire Blvd., Suite 1000
Los Angeles, CA 90017
Tel: (310) 833-1222

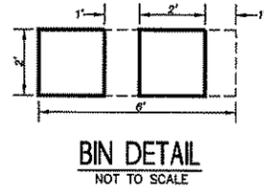
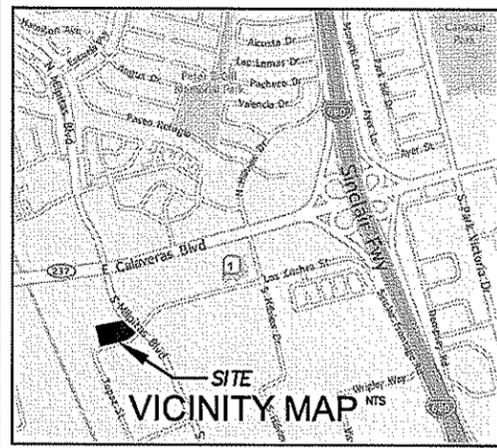
UR

375 LOS COCHES STREET
CASTILE COMPANY
MILPITAS CALIFORNIA

PROPOSED TRACT MAP
TENTATIVE MAP

Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet

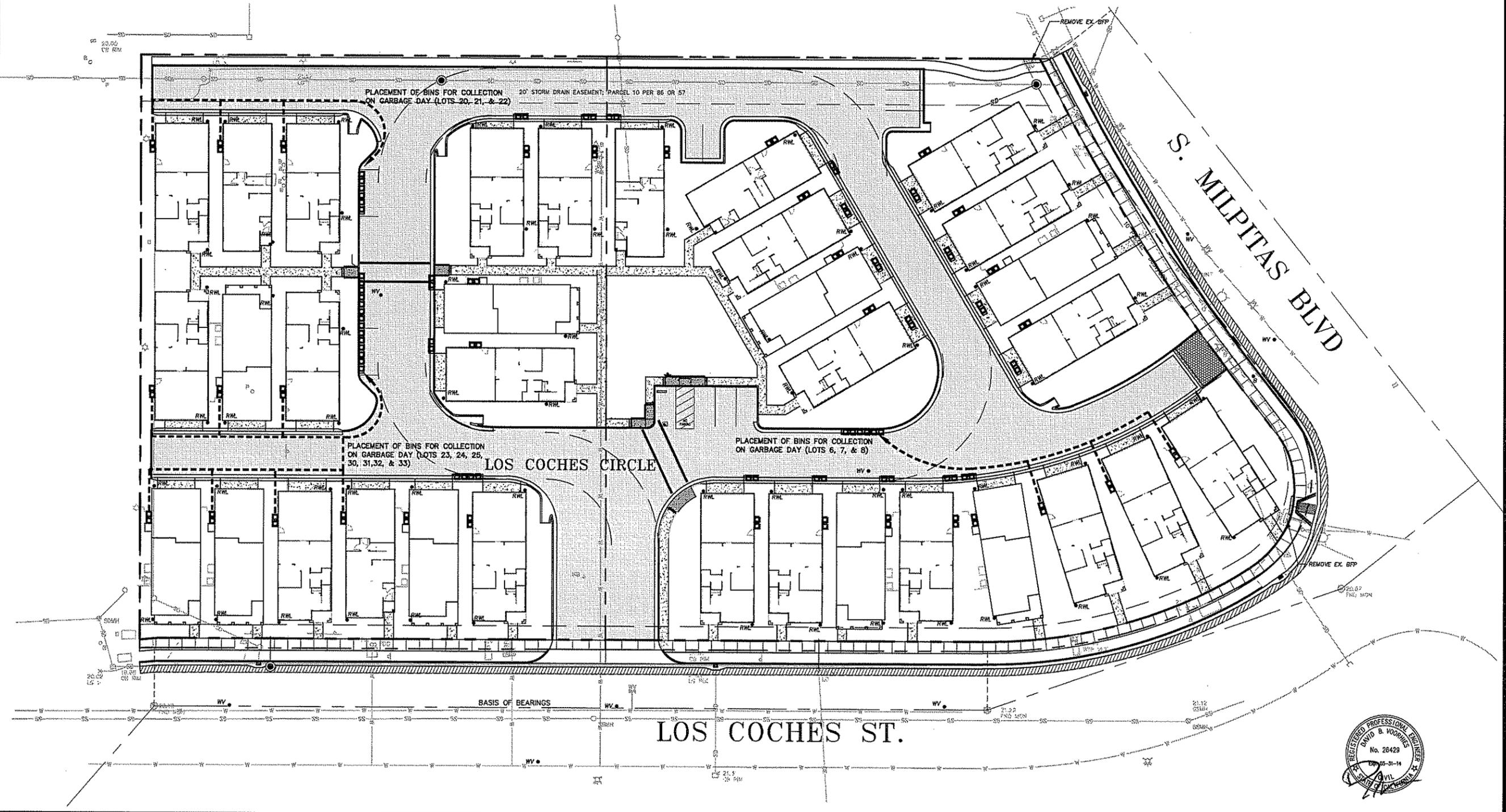
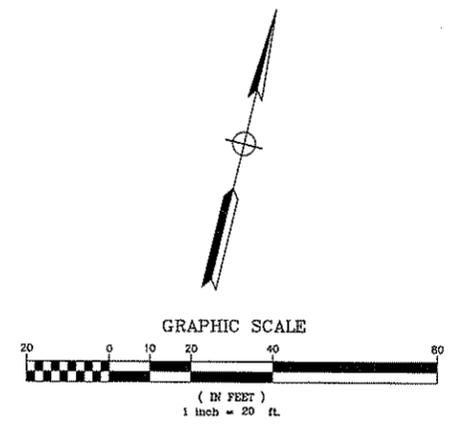
T4



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.



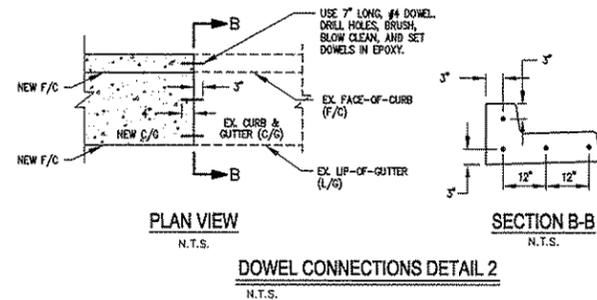
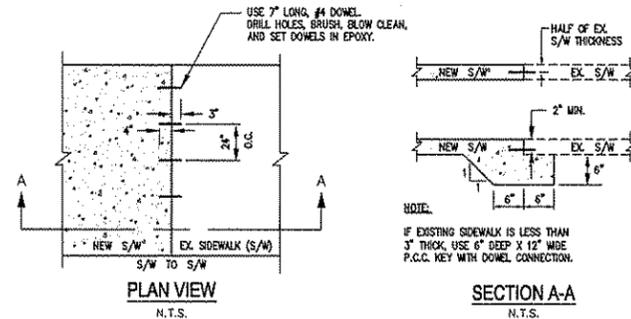
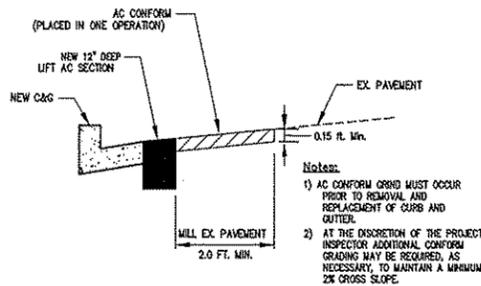
REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
Civil Engineers and Surveyors
P.O. Box 1099, Milpitas, CA 95031
Tel: (408) 251-1222 Fax: (408) 251-1227

**375 LOS COCHES STREET
CASTLE COMPANY**
MILPITAS CALIFORNIA

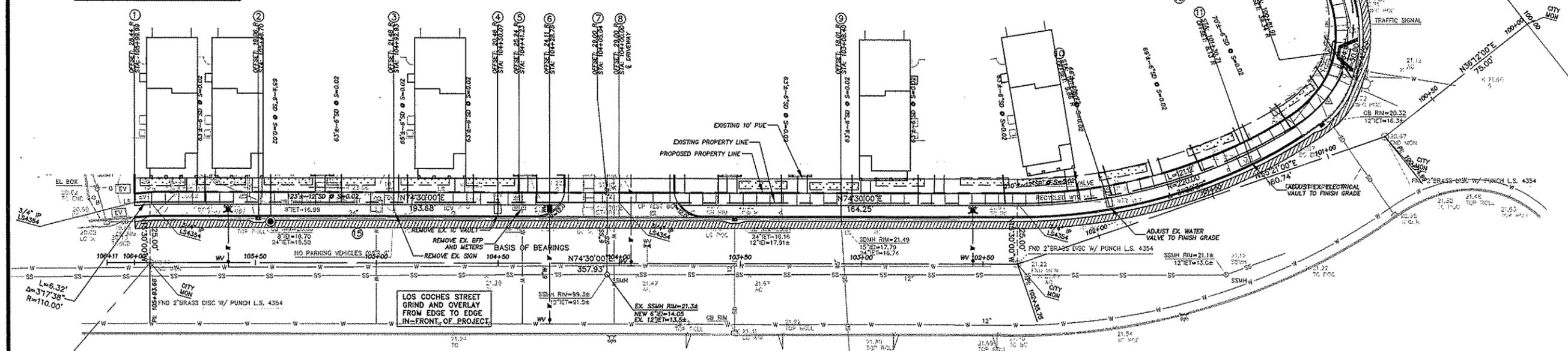
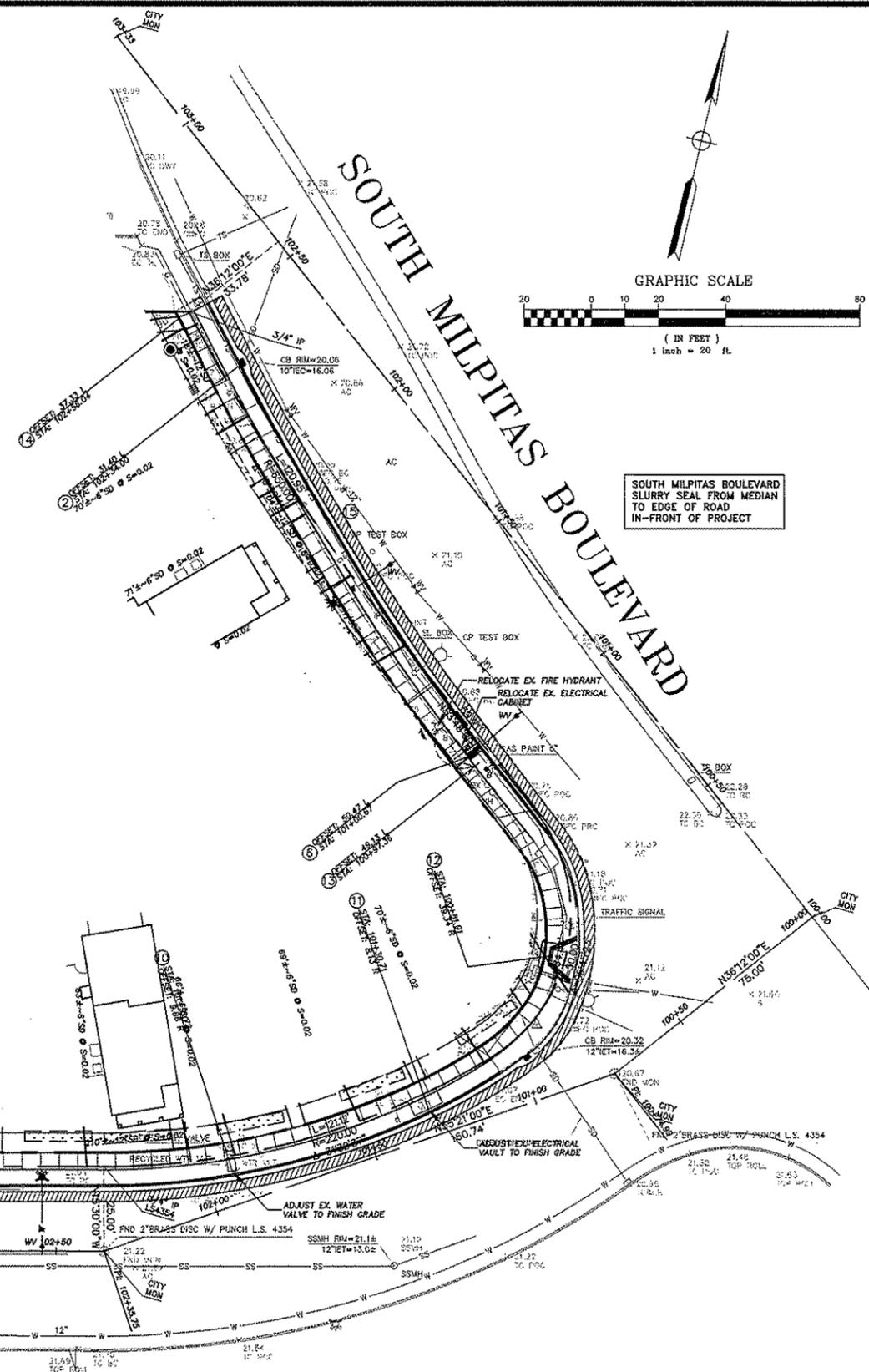
**TRASH COLLECTION
EXHIBIT**

Date 12-05-2012
Scale 1"=20'
Design By: DV
Job J11076
Sheet
1



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 1/2" 6" WATER LINE, AND WATER VALVE
- 7 CONNECT NEW 6" SS LINE TO EXISTING MH (EI 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 SOLLARD TO NEW LOCATION
- 14 CONNECT NEW SIDEWALK TO OLD (SEE DETAIL 2/OS-1)
- 15 CONSTRUCTION JOINT (SEE DETAIL 1/OS-1)



NO.	DATE	REVISIONS

UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1540 California Road, Suite 200, Milpitas, CA 95035
Tel. No. (408) 933-1222 Fax No. (408) 933-1287

LOS COCHES CASTLE COMPANY
MILPITAS CALIFORNIA

OFF-SITE STREET IMPROVEMENT PLAN

Date 8-27-2012
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 w/ 2x6 Wood
 - Walls: 3-Coat Stucco
 - Trim: Stucco w/ Foam
 - Accents: Pot Shelf w/ Corbels
Metal Deck Railing
Stone Veneer



Traditional

- Traditional Elevation**
- Roof: Composition Shingle
 - Fascia: Gutter w/ 2x6 Wood
 - Barge: 2x6 Wood
 - Walls: 3-Coat Stucco
 - Trim: Stucco w/ Foam
 - Accents: Siding
Outlookers
Wood Deck Railing



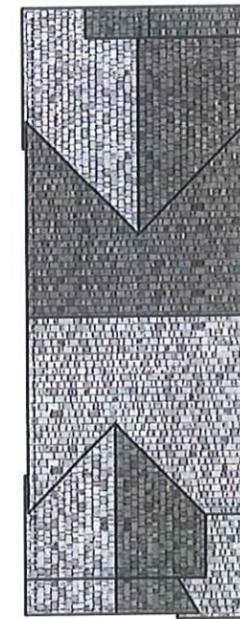
Craftsman

- Craftsman Elevation**
- Roof: Composition Shingle
 - Fascia: Gutter w/ 2x6 Wood
 - Barge: 2x6 Wood
 - Walls: 3-Coat Stucco
 - Trim: Stucco w/ Foam
 - Accents: Gable End Siding
Outlookers & Knee Braces
Wood Deck Railing
Stone Veneer

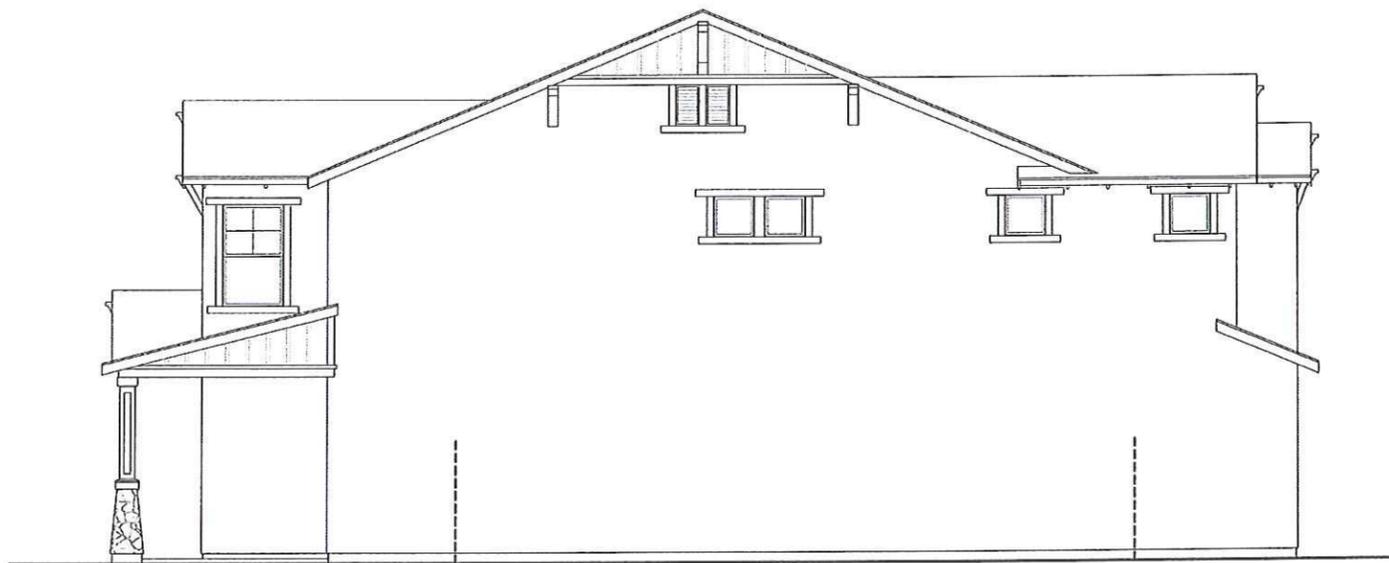
Plan One
Front Elevations



Left Side



Roof Plan



Right Side (Interior Lot)



Rear

Plan One
Craftsman Elevations

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.

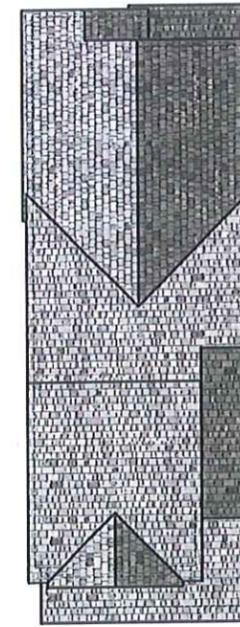
0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

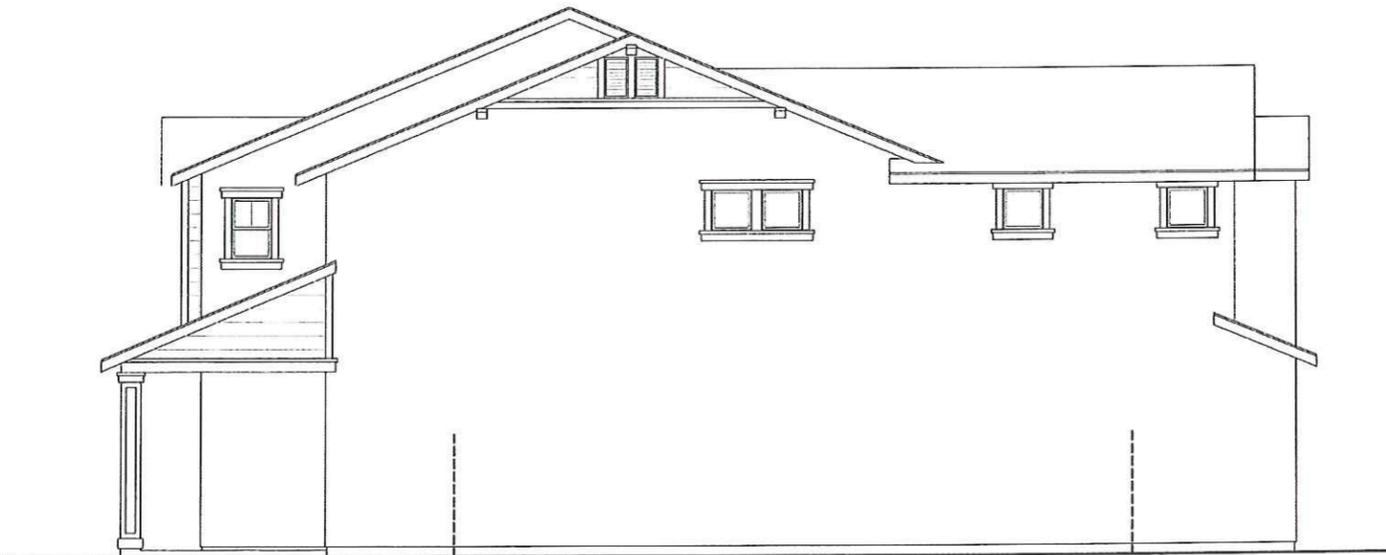
D1.3



Left Side
This Elevation occurs on the 'Public View Side' of Lots 17 & 33



Roof Plan



Right Side (Interior Lot)



Rear

Plan One
Traditional Elevations

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.

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

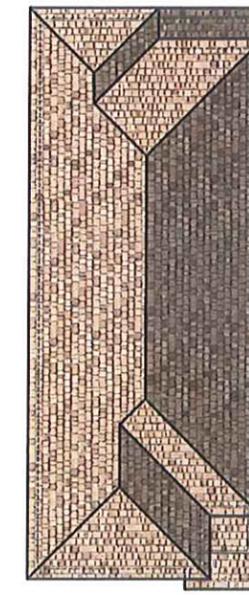
MILPITAS SFD
Milpitas, California
Castle Companies

D1.4

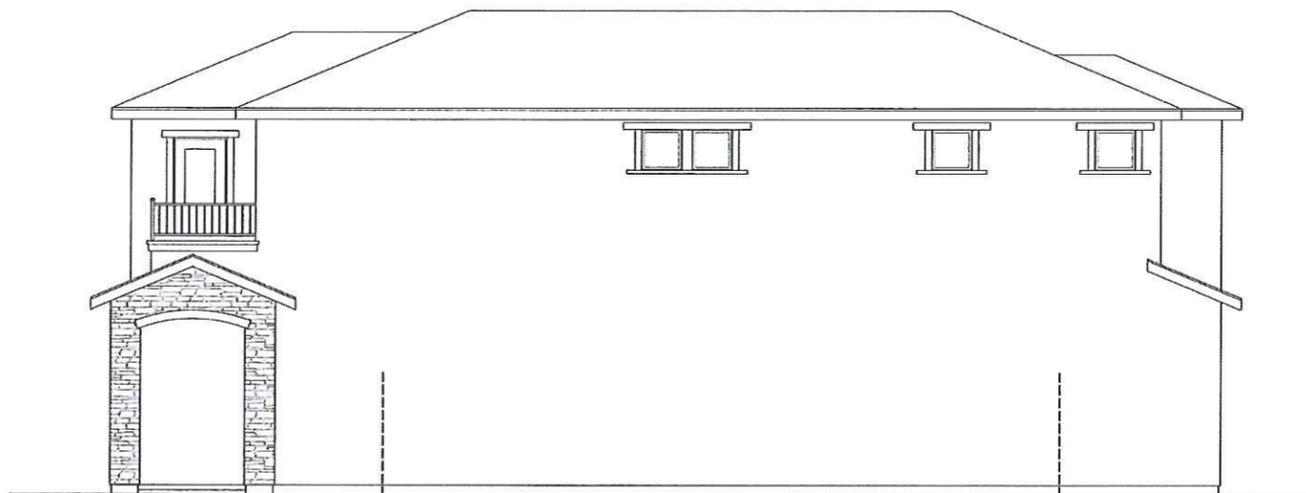


6' HIGH PRIVACY FENCE @ LOT 16

Left Side
This Elevation occurs on the 'Public View Side' of Lot 16



Roof Plan



Right Side (Interior Lot)



Rear

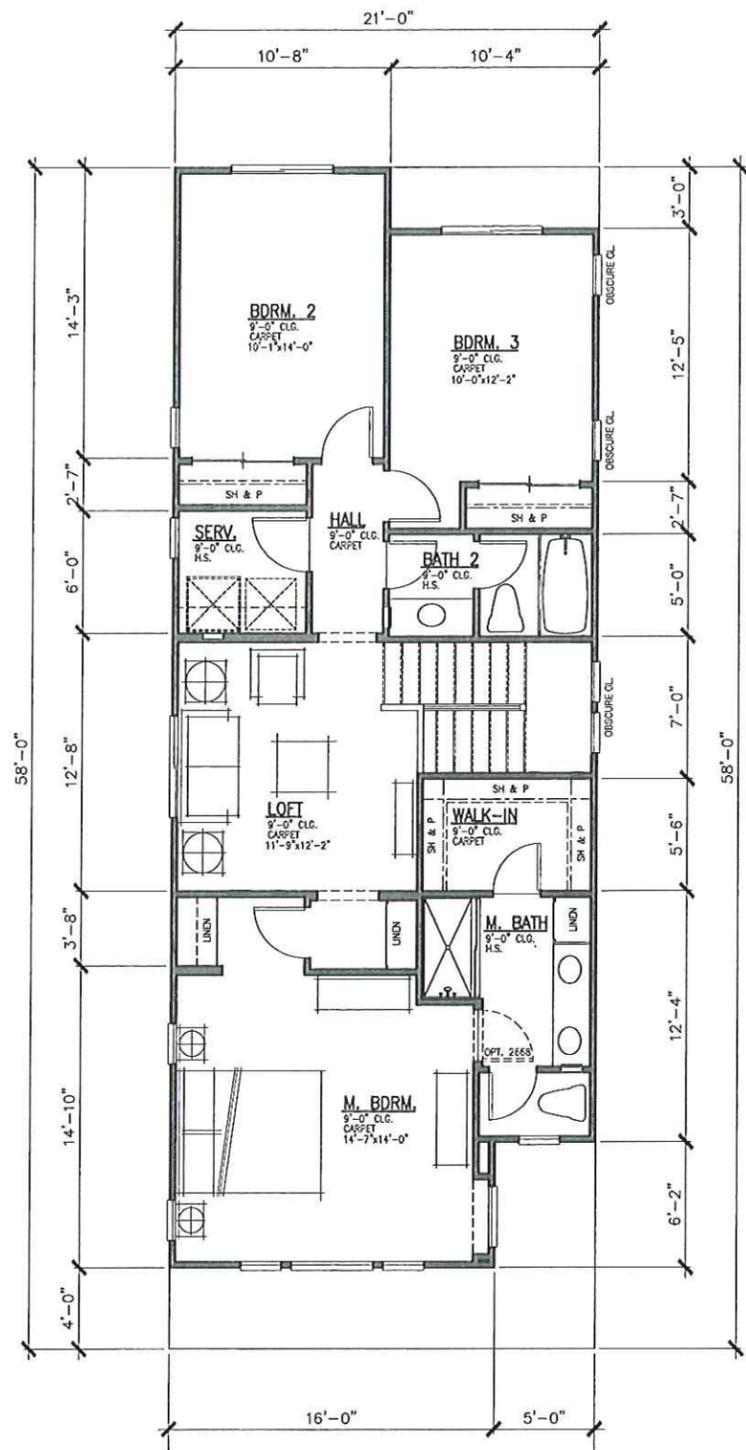
Plan One
Tuscan Elevations

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.

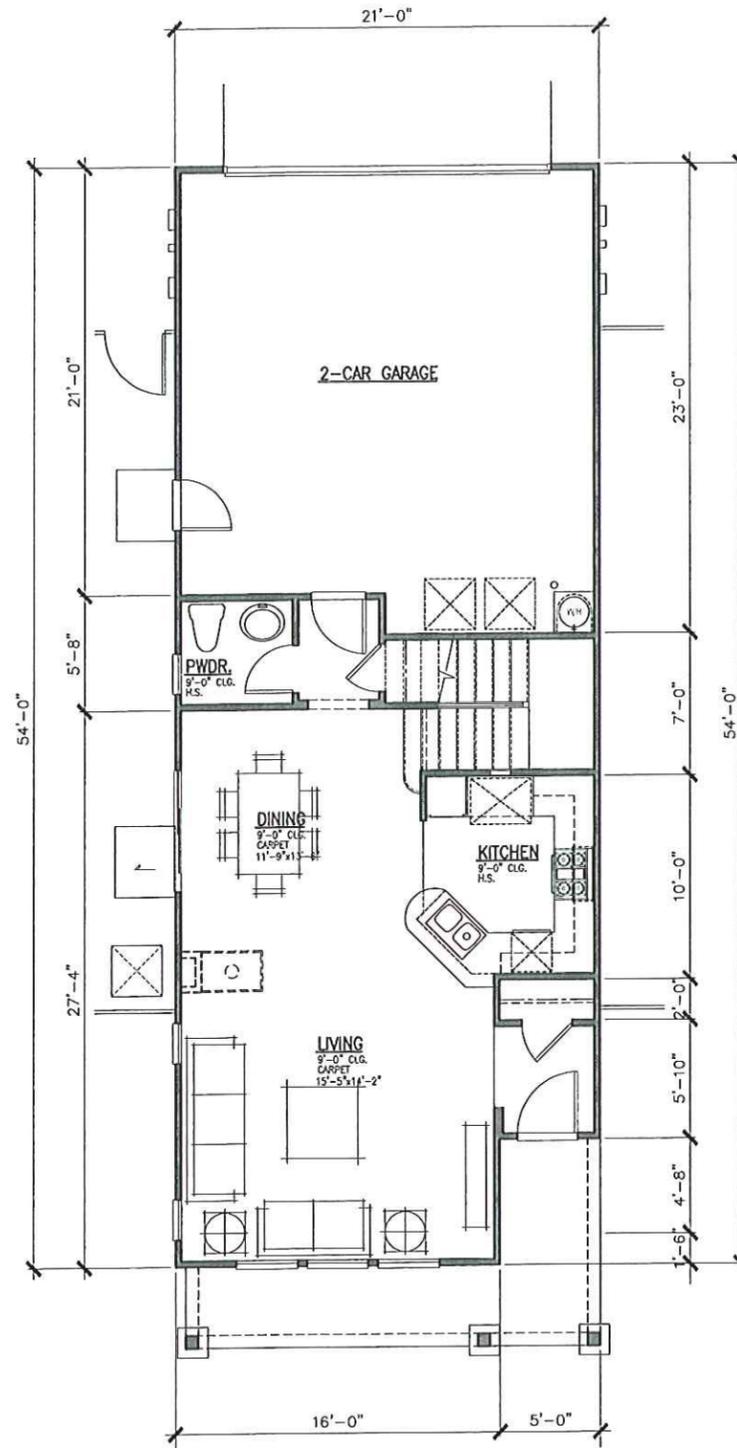
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SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D1.5



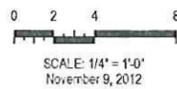
UPPER LEVEL PLAN



LOWER LEVEL PLAN

Plan One
 1652 Square Feet
 3 Bedroom & Loft w/ 2 1/2 Baths
 2-Car Garage

(The Craftsman Elevation is shown in plan here, other Elevation Styles may vary in fenestration)



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 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

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
Brick Veneer

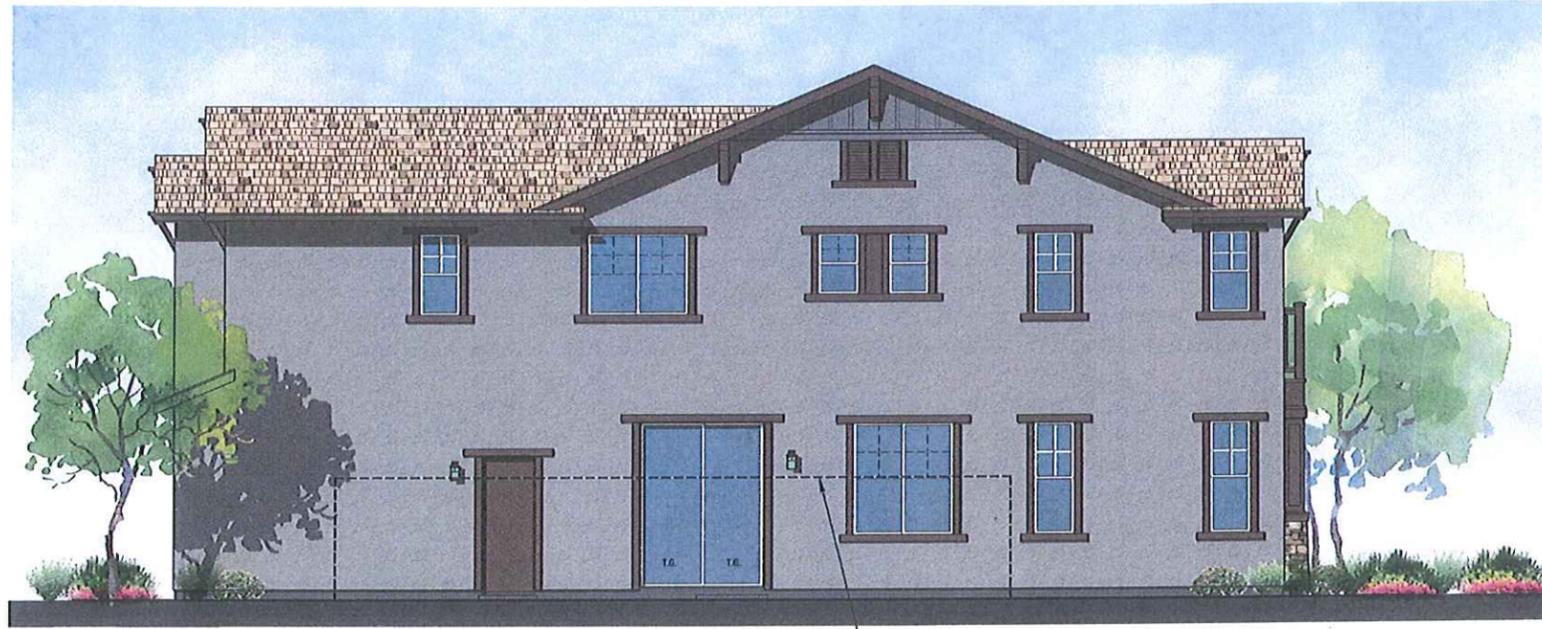


Craftsman

Craftsman Elevation

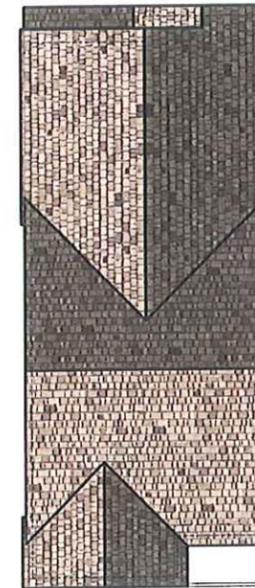
- Roof: Composition Shingle
- Fascia: Gutter o/ 2x6 Wood
- Barge: 2x6 Wood
- Walls: 3-Coat Stucco
- Trim: Stucco o/ Foam
- Accents: Gable End Siding
Outlookers & Knee Braces
Wood Deck Railing
Stone Veneer

Plan Two
Front Elevations

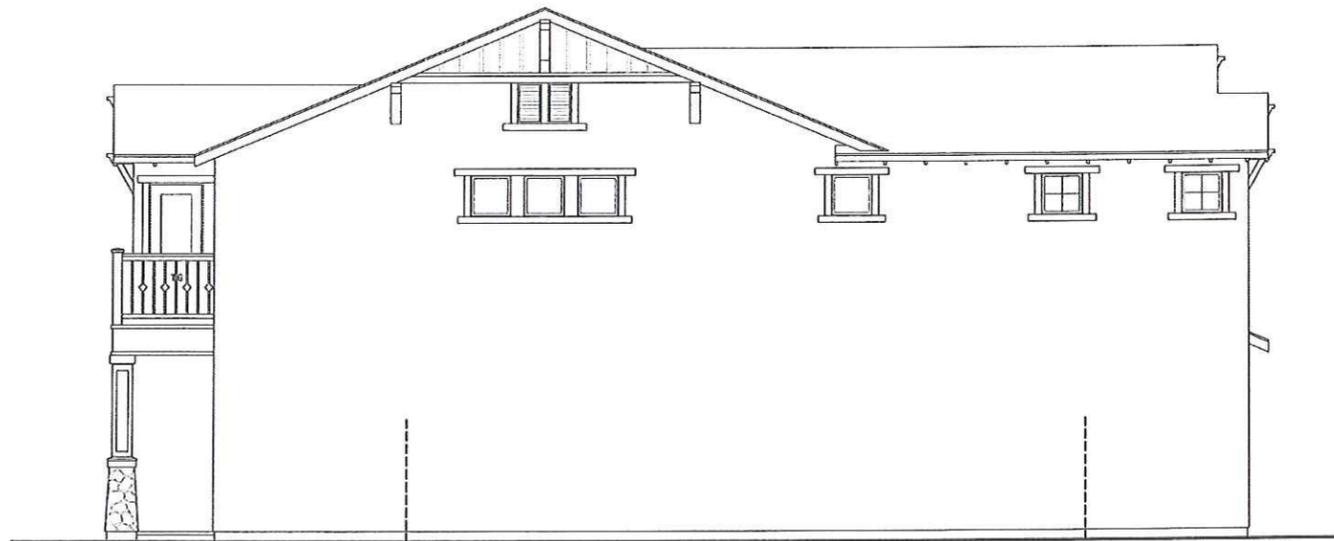


Left Side

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

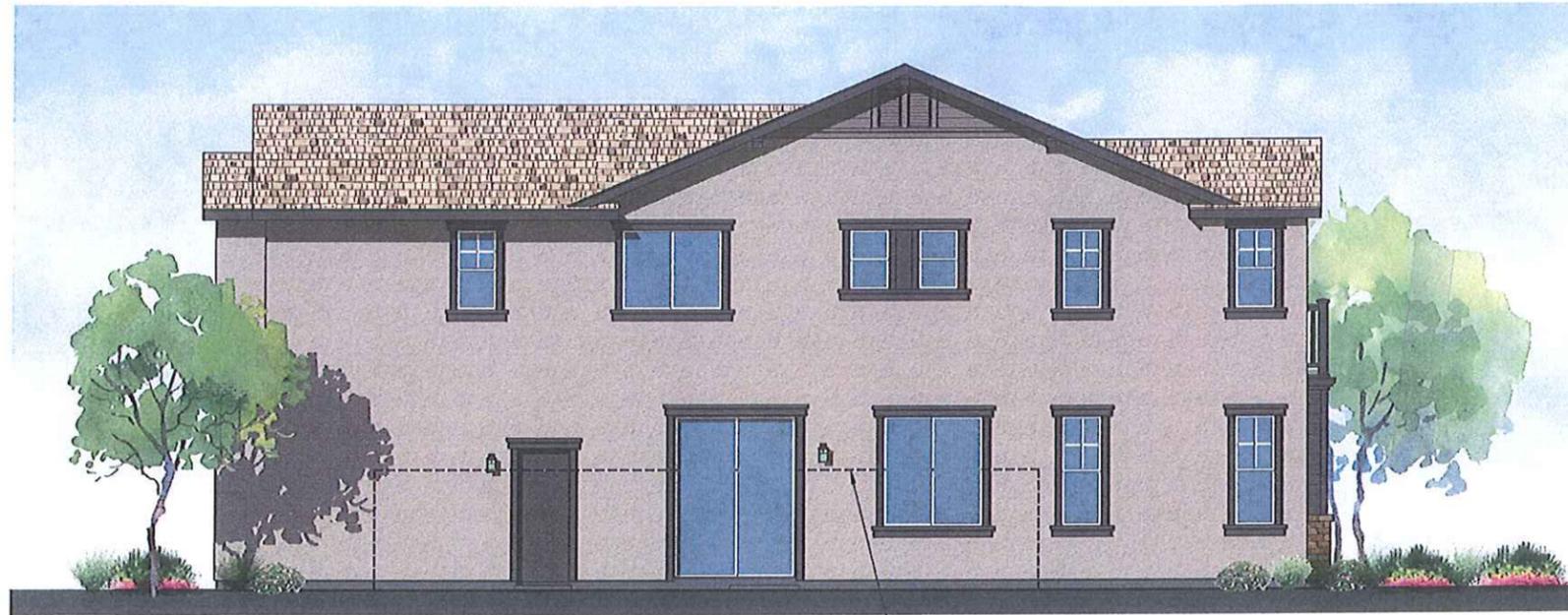
Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two
Craftsman Elevations

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D2.3



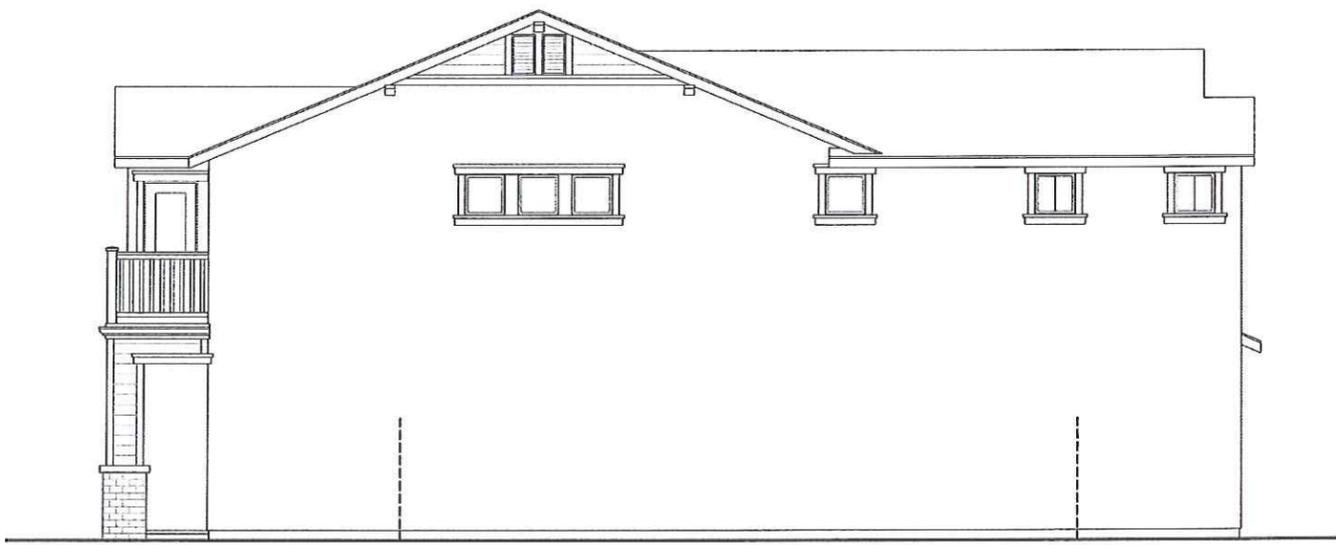
6' HIGH PRIVACY FENCE @ LOT 26

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

Plan Two
Traditional Elevations

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.

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D2.4



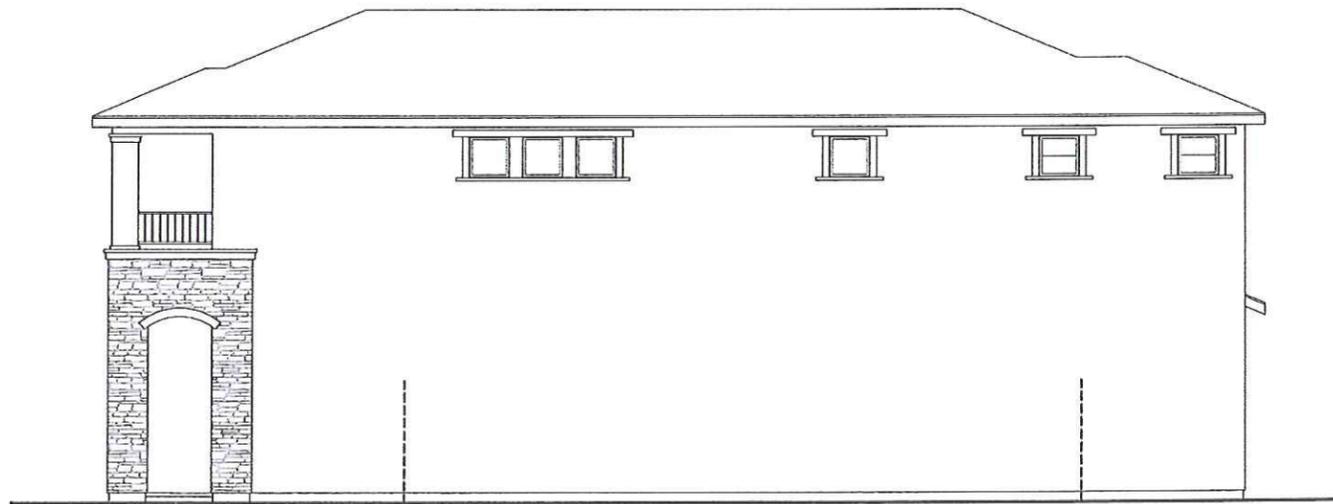
6' HIGH PRIVACY FENCE @ LOT 23

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

Plan Two
Tuscan Elevations

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.

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

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Castle Companies

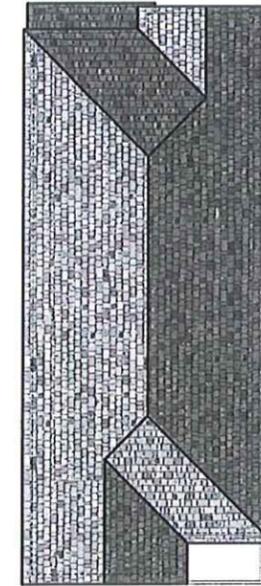
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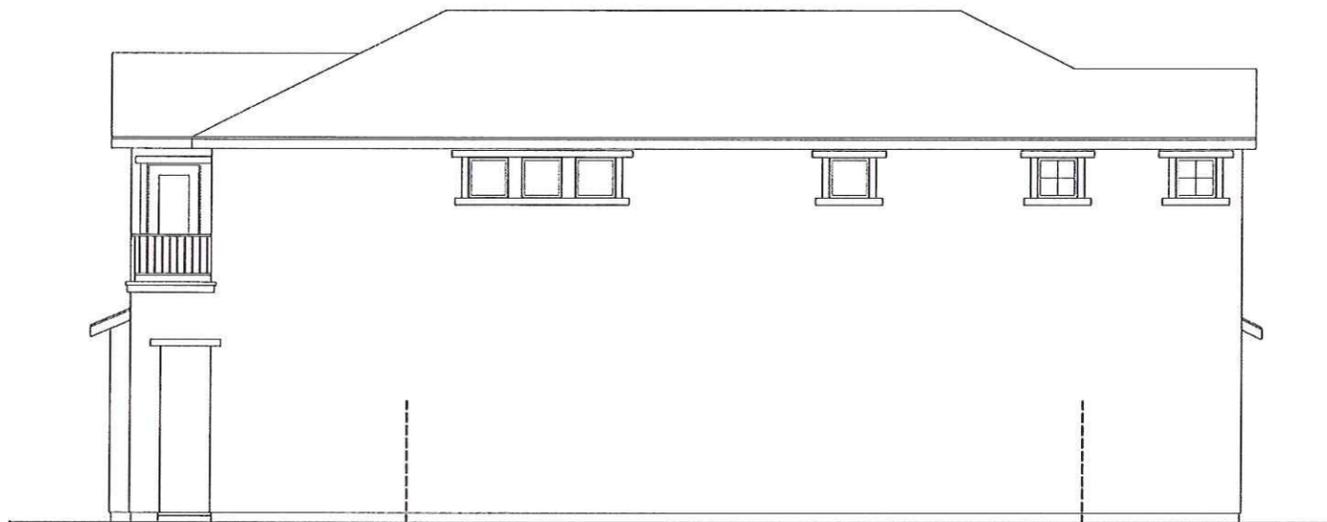
6' HIGH PRIVACY FENCE @ LOT 12

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

Plan Two
English Elevations



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.

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D2.6



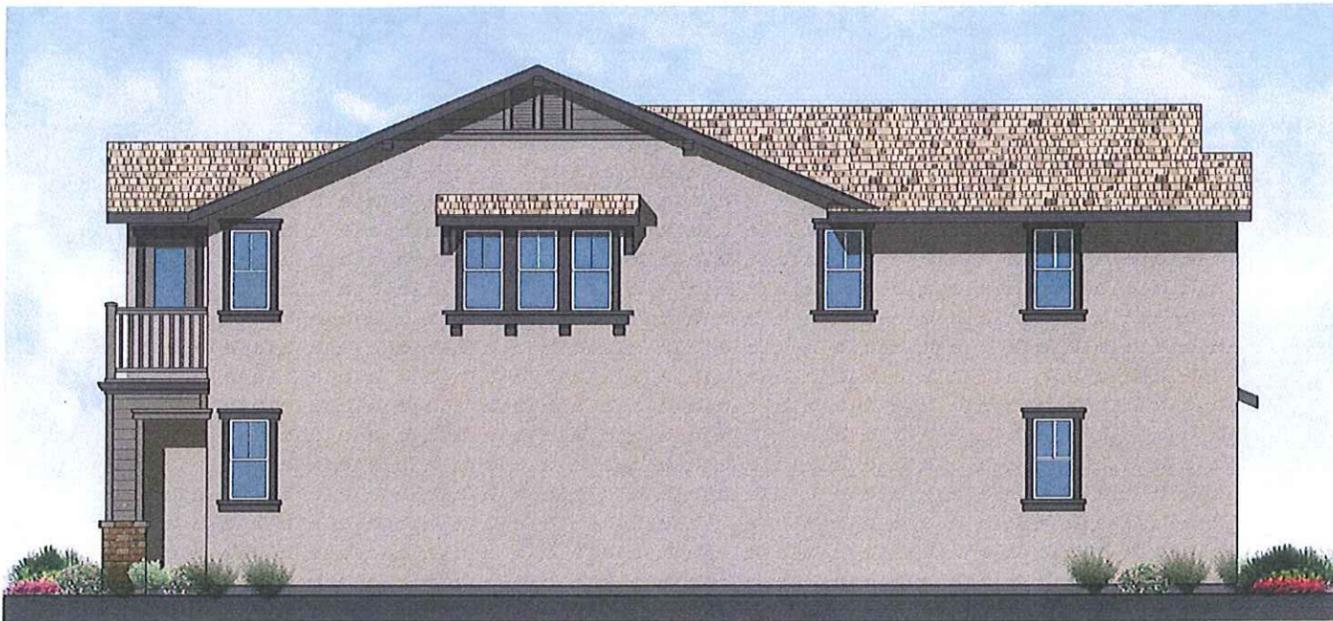
English (Exterior Lot)

This Elevation occurs on the 'Public View Side' of Lots 13, 19, & 28



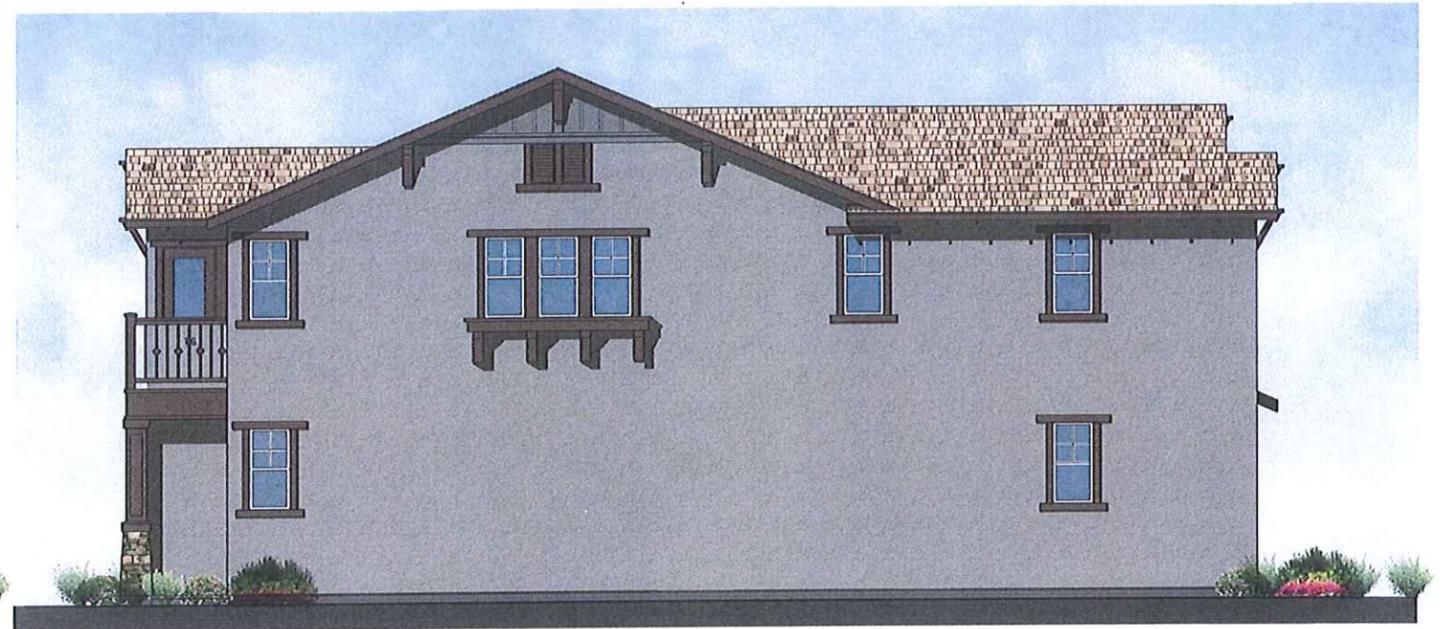
Tuscan (Exterior Lot)

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

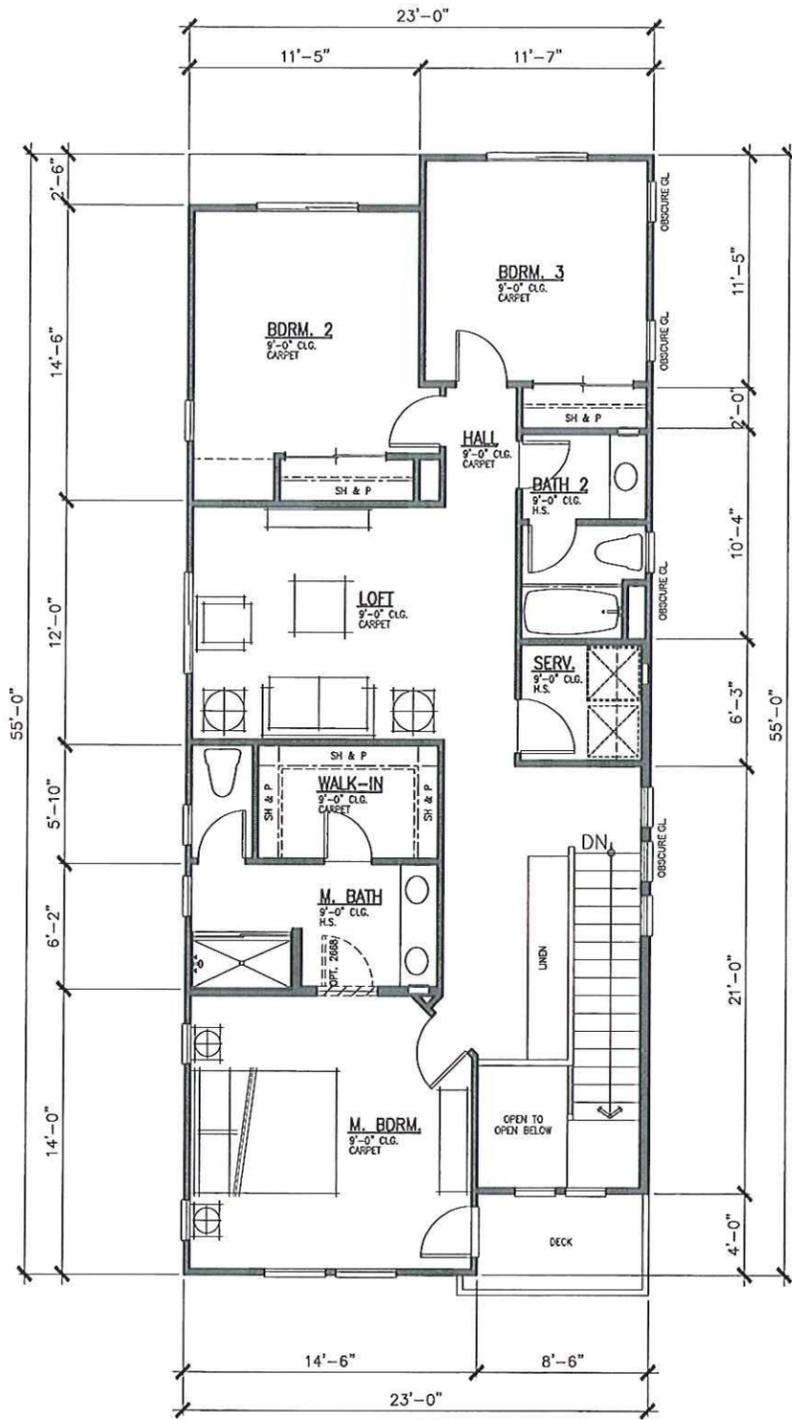
Note: 'Left' & 'Right' Titles on these elevations pertain to the standard plan with the front entry door located on the right side of the plan as indicated on these drawings. These Titles may be opposite to conditions shown on the Site Plan due to reverse plotting of the units.

Plan Two
Enhanced Right Side Elevations

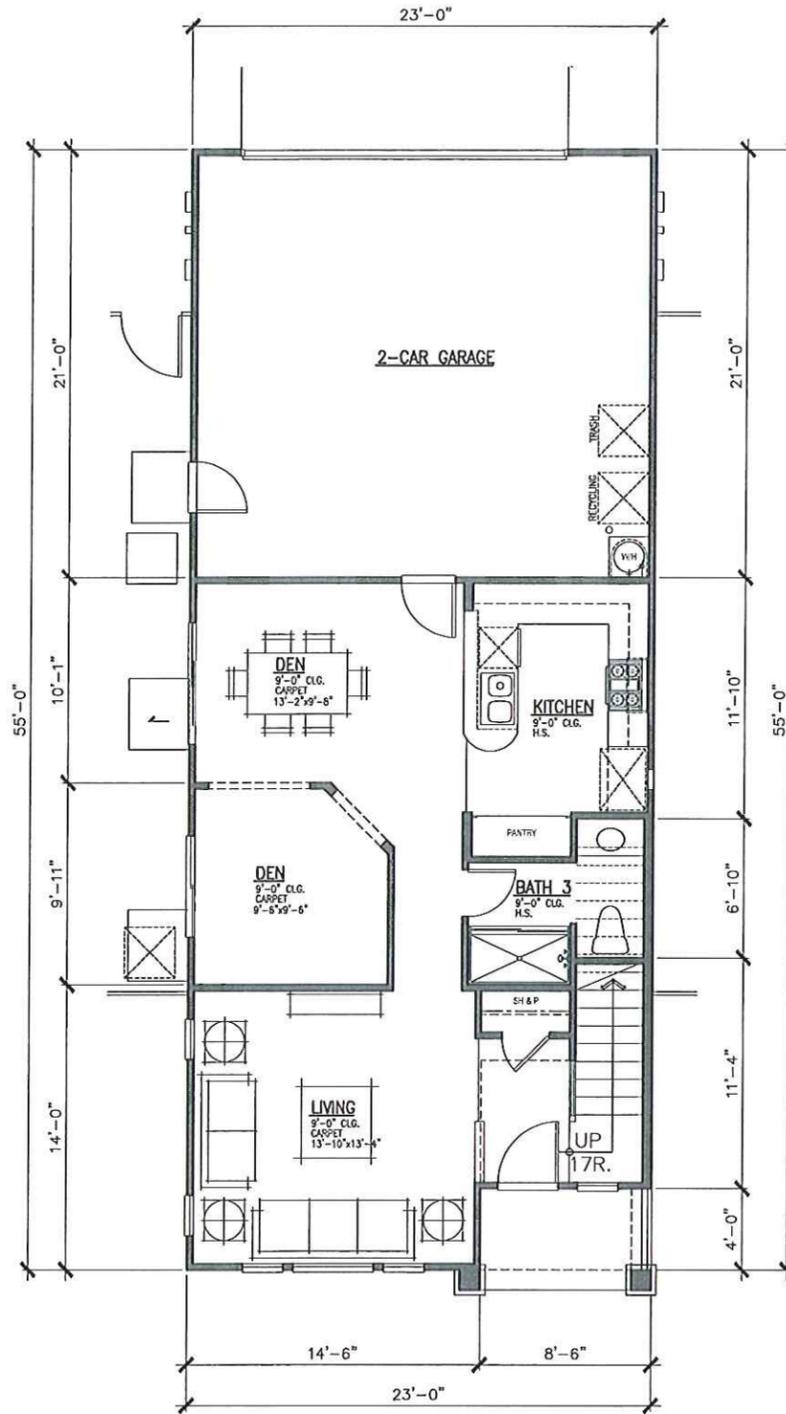
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SCALE: 1/4" = 1'-0"
November 9, 2012

MILPITAS SFD
Milpitas, California
Castle Companies

D2.7



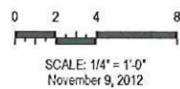
UPPER LEVEL PLAN



LOWER LEVEL PLAN

Plan Two
 1865 Square Feet
 3 Bedrom, Den & Loft w/ 3 Baths
 2-Car Garage

(The Traditional Elevation is shown in plan here, other Elevation Styles may vary in fenestration)

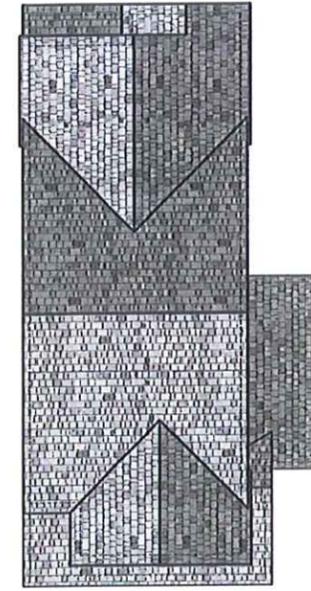


MILPITAS SFD
 Milpitas, California
 Castle Companies

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.)

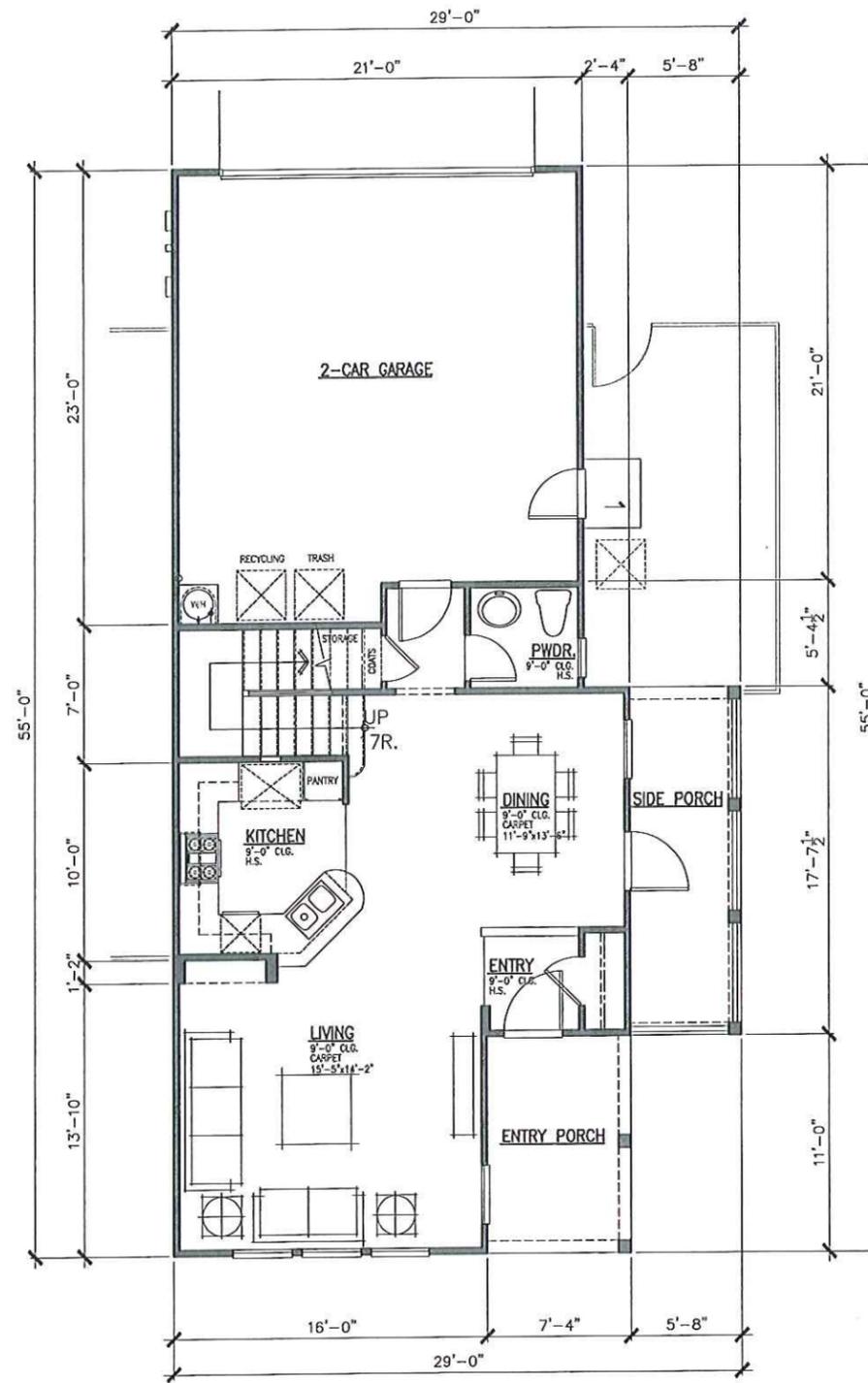
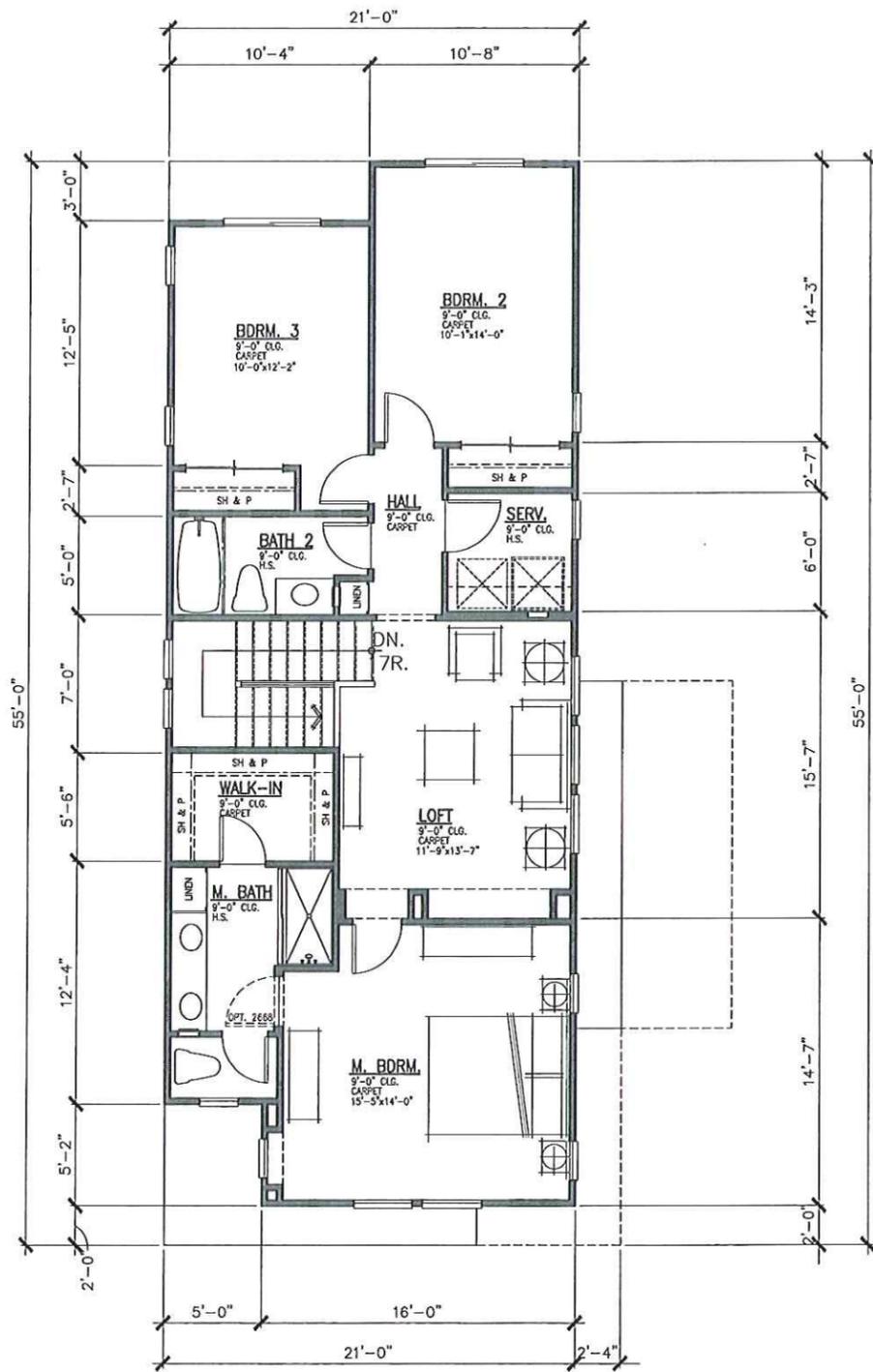
See Plan 1 Craftsman Elevations, sheet D1.3,
for the Rear and Left Side Elevations.

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

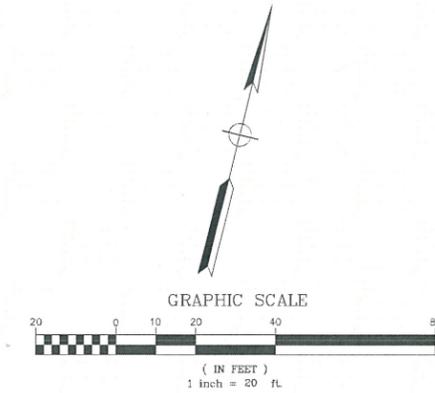
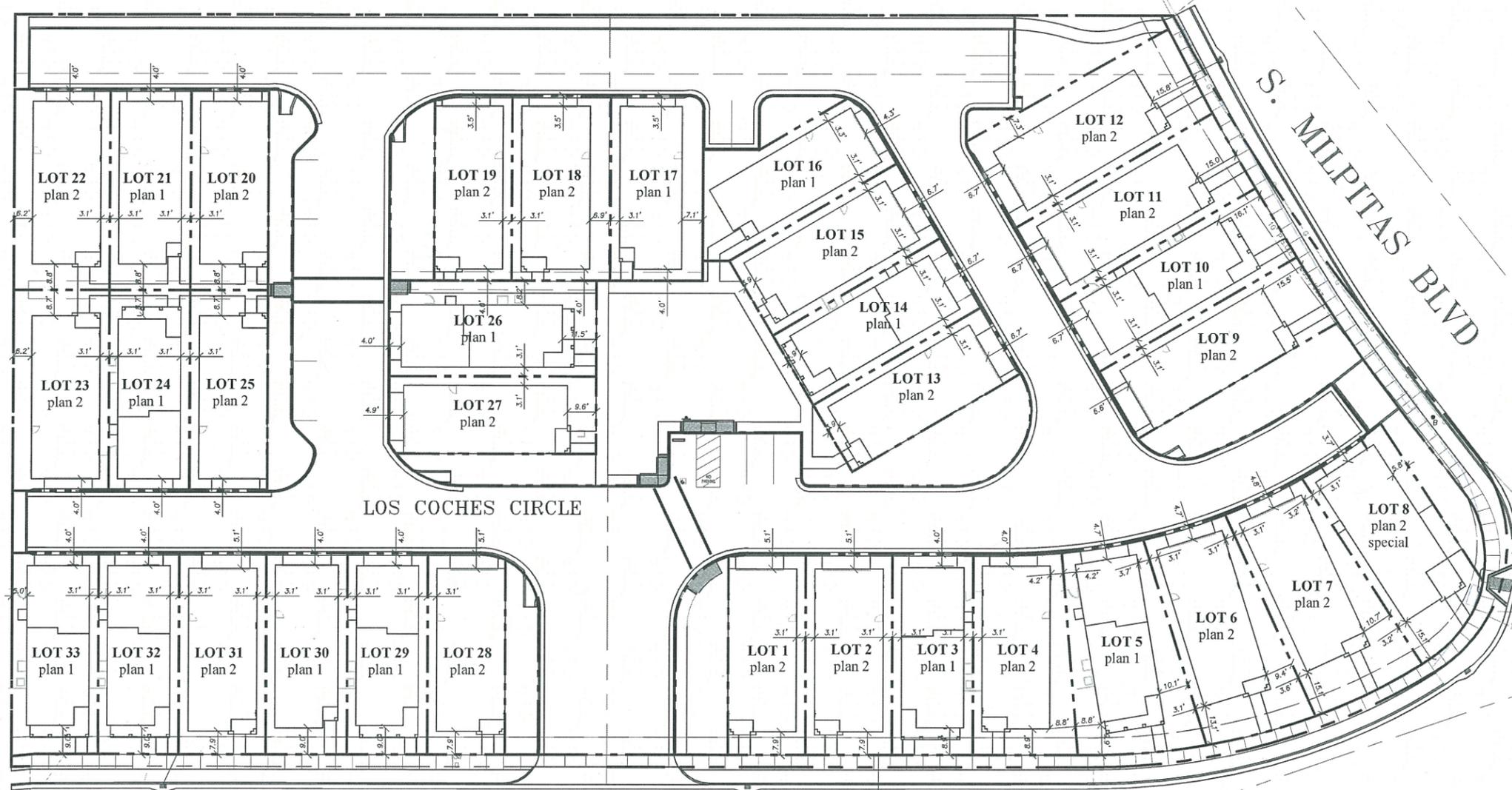


Plan One Special - Lot 8
 1734 Square Feet
 3 Bedroom & Loft w/ 2 1/2 Baths
 2-Car Garage

0 2 4 8
 SCALE: 1/4" = 1'-0"
 November 9, 2012

MILPITAS SFD
 Milpitas, California
 Castle Companies

D1.6



LOS COCHES ST.

LOS COCHES CIRCLE

S. MILPITAS BLVD

#	DESC.	REVISIONS	DATE

UNDERWOOD & ROSENBLUM, INC.
 civil engineers and surveyors
 1400 W. 14th St., Suite 100, Milpitas, CA 95035
 (408) 937-1222

375 LOS COCHES STREET
 CASTLE COMPANY
 MILPITAS CALIFORNIA

SITE PLAN
 EXHIBIT

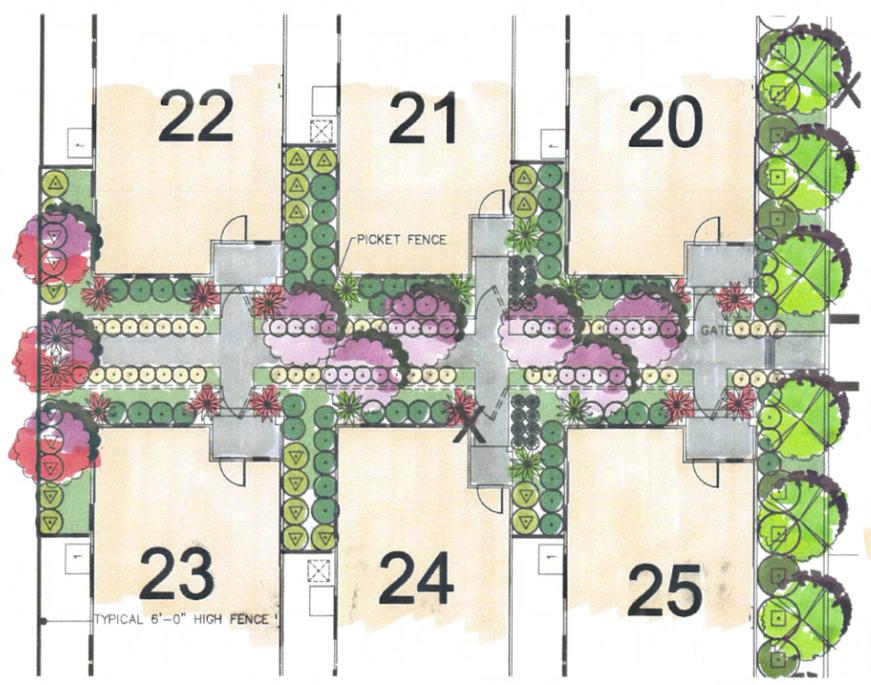
Date 12-11-2012
 Scale 1"=20'
 Design By: DV
 Job J11076
 Sheet

REVISIONS	BY:
	JIM
	JIM

JAMES SWANSON - LANDSCAPE ARCHITECT
 5100-18 CLAYTON ROAD #18 - CONCORD, CALIFORNIA 94521
 PHONE: (925) 946-7442 FAX: (925) 973-9607

LOS COCHES
 MILPITAS, CALIFORNIA

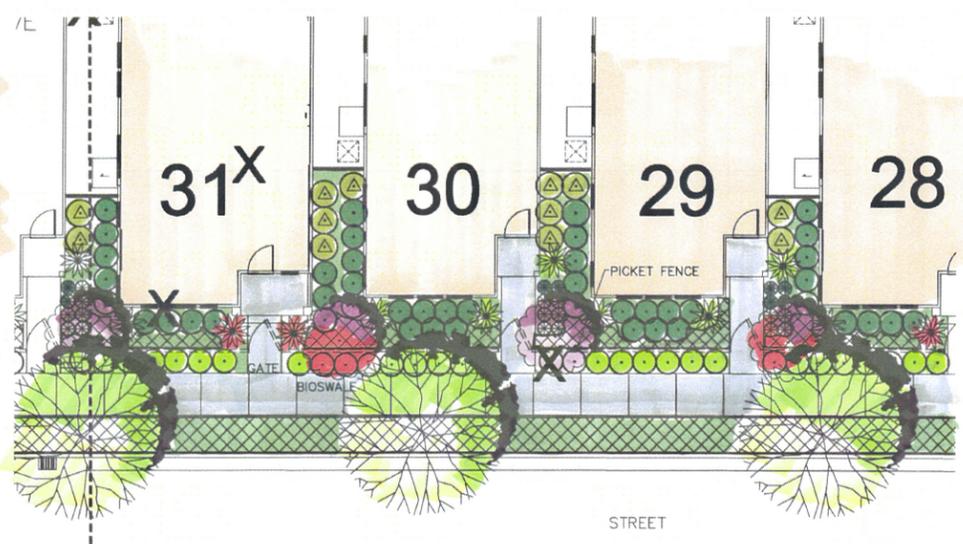
JIM	DRAWN
JIM	CHECKED
JIM	DATE
	10/1/12
	SCALE
	AS SHOWN
	JOB NO.
	SHEET
	L-2
	OF SHEETS



TYPICAL INTERIOR LANDSCAPES



RECREATION AREA

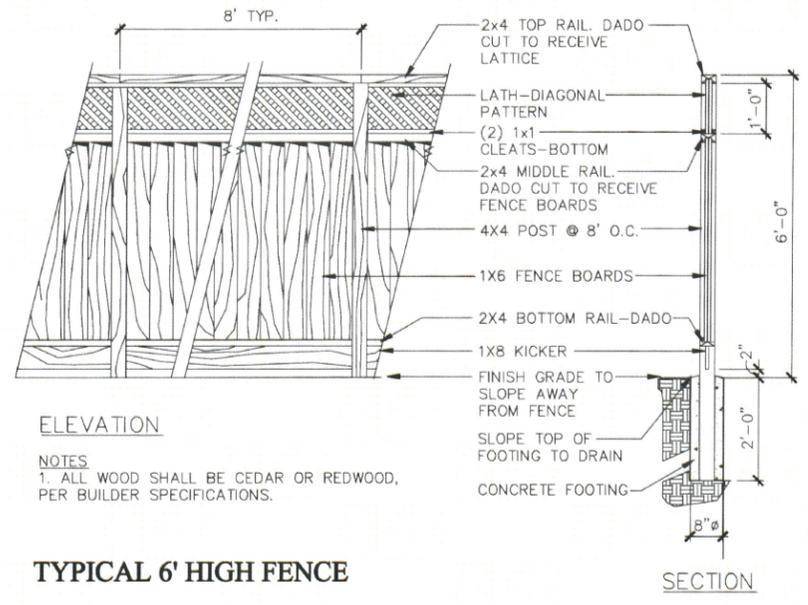


TYPICAL STREET FRONT LANDSCAPES

PROPOSED PLANT MATERIALS

SMALL FLOWERING TREES SUCH AS:		24" BOX SPECIMEN
	ARBUTUS U. 'STANDARD'	STRAWBERRY TREE
	PHOTINIA F. 'STANDARD'	SCARLET TOYON
	LAGERSTROEMIA I. 'CHEROKEE'	GRAPE 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
	SEQUIOIA SEMPERVIRENS	COAST REDWOOD
FLOWERING TREES SUCH AS:		24" BOX SPECIMEN
	PRUNUS C. 'KRAUTER VESUVIUS'	FLOWERING PLUM
	ARBUTUS 'MARINA'	MARINE ARBUTUS
	CRATAEGUS LAEVIGATA	ENGLISH HAWTHORN
DECIDUOUS 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

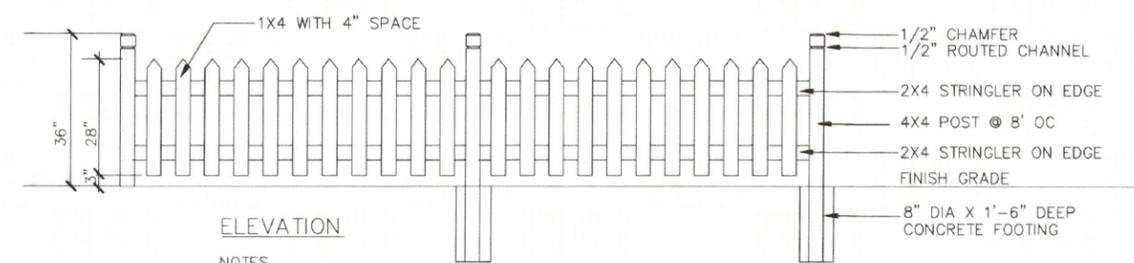
TALL SHRUBS SUCH AS:		5 GALLON SIZE
	PHOTINIA FRASERI	SCARLET TOYON
	XYLOSMA CONGESTUM	XYLOSMA
MEDIUM HIGH SHRUBS SUCH AS:		5 GALLON SIZE
	ESCALLONIA FRADESI	ESCALLONIA
	LIGUSTRIUM JAPONICUM	WAXLEAF PRIVET
	NANDINA DOMESTICA	HEAVENLY BAMBOO
	VIBURNUM 'SPRING BOUQUET'	VIBURNUM
LOW SHRUBS SUCH AS:		5 GALLON SIZE
	COLEONEMA P. 'SUNSET GOLD'	BREATH OF HEAVEN
	RHAPHIOLEPIS I. 'SPRINGTIME'	INDIA HAWTHORN
	RHAPHIOLEPIS I. 'BALLERINA'	INDIA HAWTHORN
	LAURENTIA ANGUSTIFOLIA	ENGLISH LAVENDER
	ROSMARINUS 'TUSCAN BLUE'	UPRIGHT ROSEMARY
	TRACHELOSPERMUM JASMINIODES	LANTANA
		STAR JASMINE
MEDIUM SIZE ACCENT SHRUBS SUCH AS:		5 GALLON SIZE
	DIETES IRIDIODES	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
	GAZANIA 'MITSUWA YELLOW'	YELLOW GAZANIA
	SOD LAWN - TO BE TALL FESCUE	
	BIO-SWALE PLANTINGS	



ELEVATION

SECTION

NOTES
 1. ALL WOOD SHALL BE CEDAR OR REDWOOD, PER BUILDER SPECIFICATIONS.

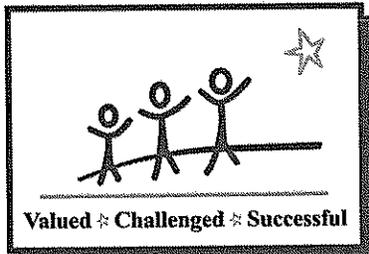


ELEVATION

NOTES
 1. ALL WOOD SHALL BE CEDAR OR REDWOOD, PER BUILDER SPECIFICATIONS.

WHITE PICKET FENCE

TYPICAL FRONT YARD LANDSCAPES/ PLANT MATERIALS LIST/FENCING DETAILS



Milpitas Unified School District F

1331 E. Calaveras Blvd., Milpitas, CA 95035

Web site: www.musd.org

Cary Matsuoka

Superintendent

Tel. (408) 635-2600 ext. 6013 Fax (408) 635-2616

E-mail: cmatsuoka@musd.org

February 8, 2013

Mr. Thomas C. Williams
Milpitas City Manager
455 East Calaveras Boulevard
Milpitas, CA 95035

City Manager

FEB 11 2013

RECEIVED

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,

A handwritten signature in cursive script that reads "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

Milpitas Residential Lots 1 & 2 Los Coches

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.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> 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

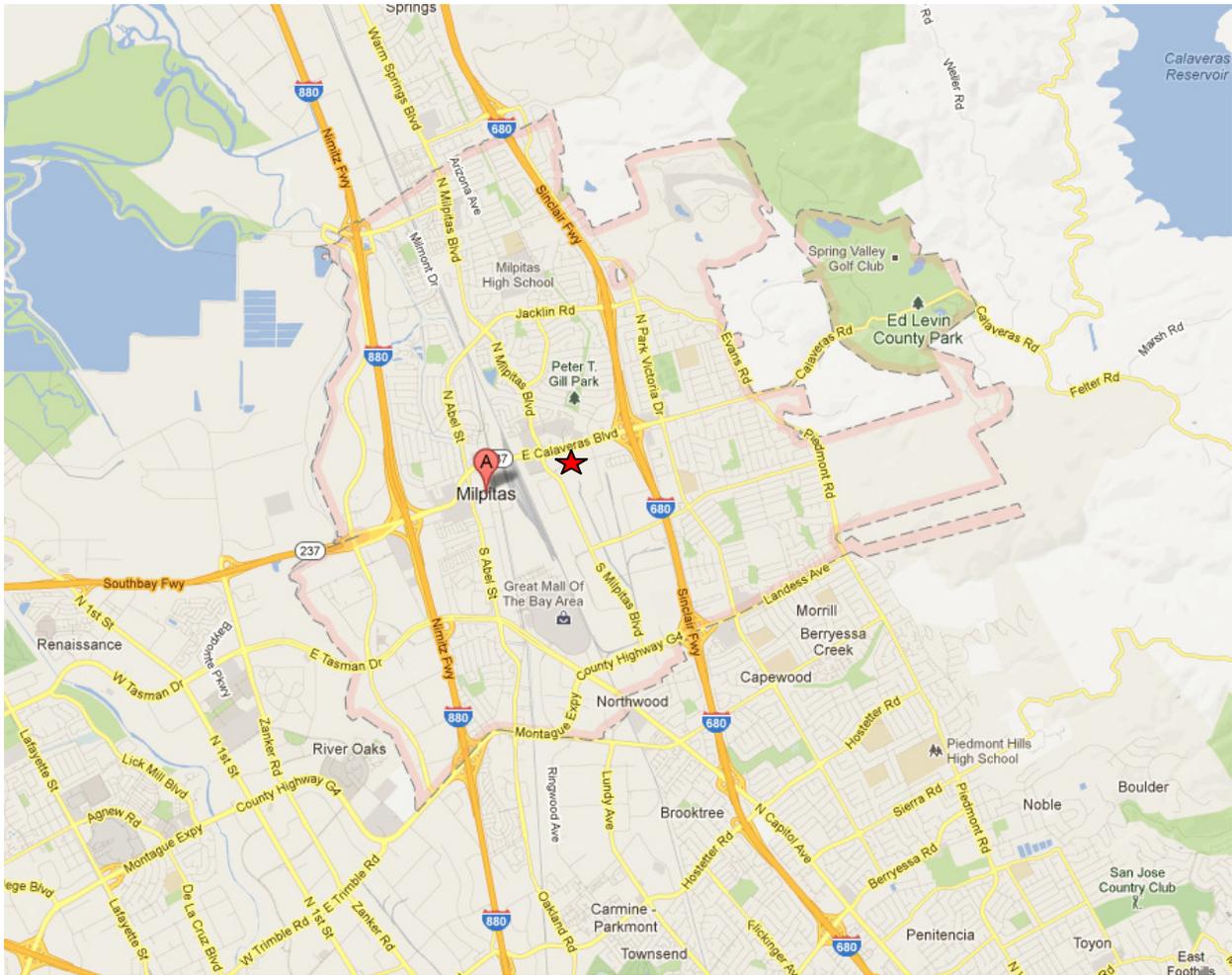
Printed Name

For

Milpitas Residential Lots 1 & 2 Los Coches

MAPS

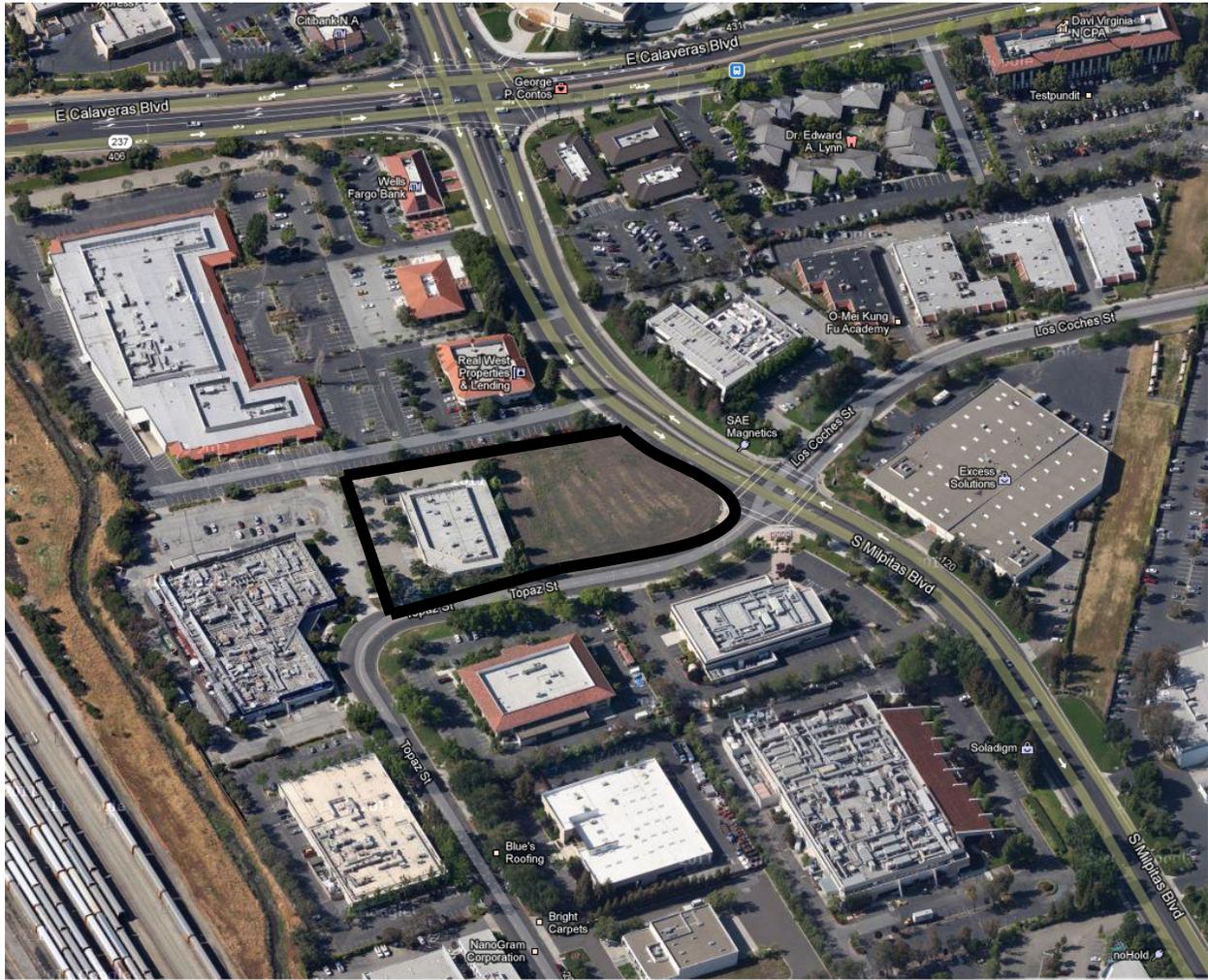
Figure 1: Regional Map



★ Project Location

Milpitas Residential Lots 1 & 2 Los Coches

Figure 2: Vicinity Map



 Project Site

Milpitas Residential Lots 1 & 2 Los Coches

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

Milpitas Residential Lots 1 & 2 Los Coches

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 4, 8
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 4, 8
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.

Milpitas Residential Lots 1 & 2 Los Coches

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.

Milpitas Residential Lots 1 & 2 Los Coches

II. AGRICULTURAL AND FOREST RESOURCES					
<p>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.</p>					
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Source(s)
<p>Would the project:</p> <p>1) 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,4
<p>2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
<p>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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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

Milpitas Residential Lots 1 & 2 Los Coches

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,10
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.

Milpitas Residential Lots 1 & 2 Los Coches

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 than 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-than 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**

Milpitas Residential Lots 1 & 2 Los Coches

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-than-significant impact.

- 4) Expose sensitive receptors to substantial pollutant concentrations? **LS**

Construction Dust

Activities 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 PM₁₀ 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-than-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.

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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 side 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

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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-than-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.

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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,

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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 (CNDDDB), 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 CNDDDB 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 CNDDDB 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.

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

Environmental Setting:

Prehistoric Period

The lands now occupied by the City of Milpitas were once a part of the home territory of the Tamyen tribelet 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 criss-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.

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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 recommendation 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:

Buried Prehistoric and Historic Resources

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. **LS/M**

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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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 12, 13
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.

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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

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 ¹operational emissions of greenhouse gases for the proposed project. Project construction emissions were calculated as 1,761.08 MTCO₂E, 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 CO₂ equivalent GHGs (CO₂e) are less than 1,100 metric tons per year; or
- Project emissions of CO₂ equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees).

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Project GHG emissions are below the 1,100 metric tons per year, so project GHG impacts would be less-than-significant. **LS**

¹Operational Emissions: Building Energy, Mobile Vehicles, solid waste disposal, water use, and area use.

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 Coches 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:

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- Limited testing of ACBM was performed in 1999 at 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 north-northwest

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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 homeowners 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.

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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2, 14

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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:					
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

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

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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**

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 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**

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.

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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 6
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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

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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 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 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

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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.

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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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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**

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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:

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- 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.

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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

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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**

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 than significant impact on existing facilities. **LS**

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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.

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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.

Planned Roadway Improvements

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.

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. 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.

Transit Service

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

Milpitas Residential Lots 1 & 2 Los Coches

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 Residential) 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.

Milpitas Residential Lots 1 & 2 Los Coches

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 than significant impact to Traffic and Transportation. LS

Milpitas Residential Lots 1 & 2 Los Coches

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

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

Milpitas Residential Lots 1 & 2 Los Coches

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,

Milpitas Residential Lots 1 & 2 Los Coches

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

Milpitas Residential Lots 1 & 2 Los Coches

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-15, A
3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-15, A
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-15, 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**

Milpitas Residential Lots 1 & 2 Los Coches

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.

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CITY OF MILPITAS
PLANNING DIVISION

PHASE I ENVIRONMENTAL SITE ASSESSMENT
MILPITAS RESIDENTIAL, LOTS 1 AND 2 (APN 086-39-001 and 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

W. R. Stevens
William R. Stevens
Principal Engineer
GE 2339

CP/WRS:jmb

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Christopher M. Palmer

Christopher M. Palmer
Senior Consulting Geologist
CEG 1262



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PLATES and APPENDICES

Plate 1 – Vicinity Map

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Appendix D	EDR Historic Topographic Maps
Appendix E	EDR Historic Sanborn Map
Appendix F	EDR Environmental Lien Search Report
Appendix G	EDR City Directory Abstract
Appendix H	EDR Property Tax Map Report
Appendix I	EDR Building Permits
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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
MNES	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
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	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 maintenance 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 ACM, 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 ACM are more likely than non-friable ACM 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 ACM, 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 ACM and presumed asbestos containing material is taken from 29 CFR Parts 1910, et al, Occupational Exposure to Asbestos; Final Rule.

Since the building on Lot 2 was developed in the 1980's, ACM is not a concern. Suspect ACM was not observed on the vacant Lot 1 during our site visit.

Clayton Environmental Consultants performed a site inspection for ACM 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 to 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 or 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 one 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



SCALE: 1" = 2000'

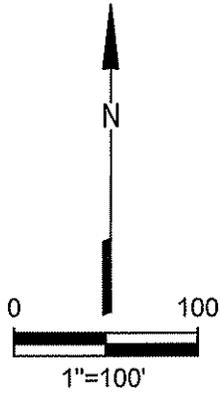
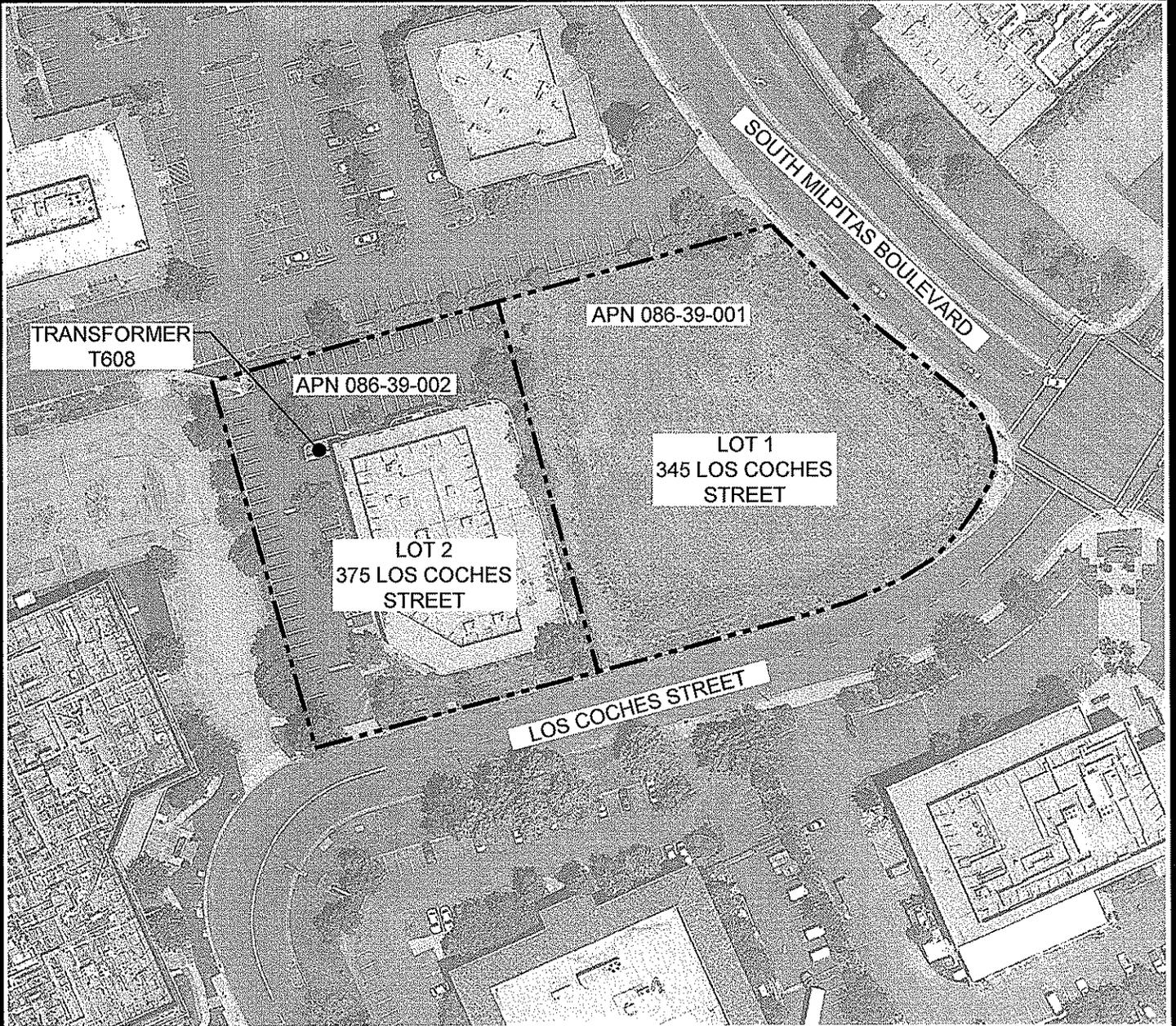
VICINITY MAP
MILPITAS RESIDENTIAL LOTS 1 AND 2
SOUTH MILPITAS BOULEVARD AND LOS COCHES STREET
MILPITAS, CALIFORNIA
FOR
DRG BUILDERS, INC.

CHECKED BY:

DRAWN BY: CC

DATE: 1-5-12

JOB NUMBER: 3390.900



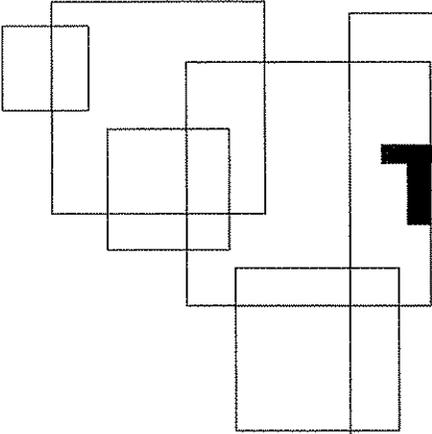
EXPLANATION

----- 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.

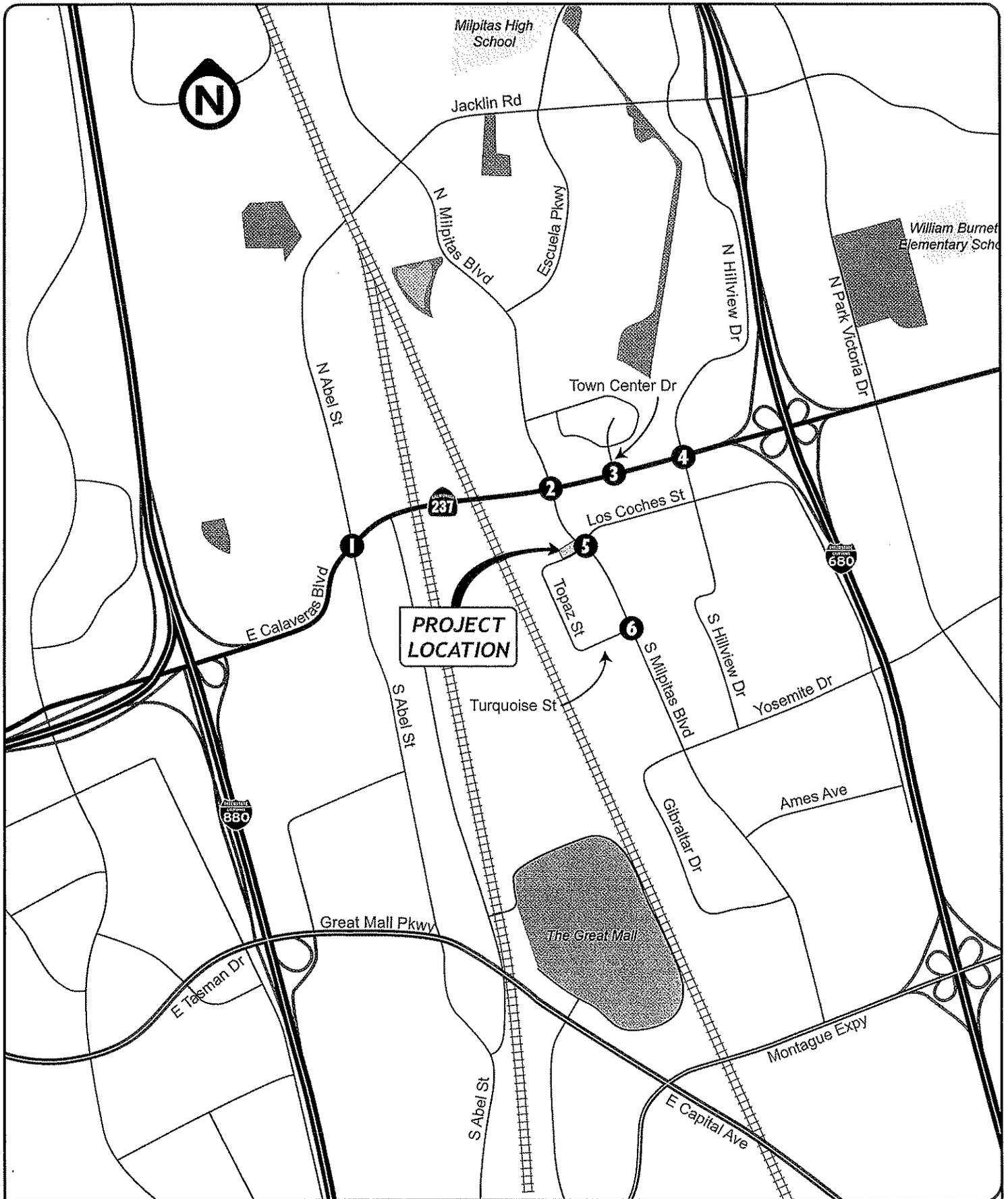


FIGURE 1 | PROJECT LOCATION
 TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
 City of Milpitas

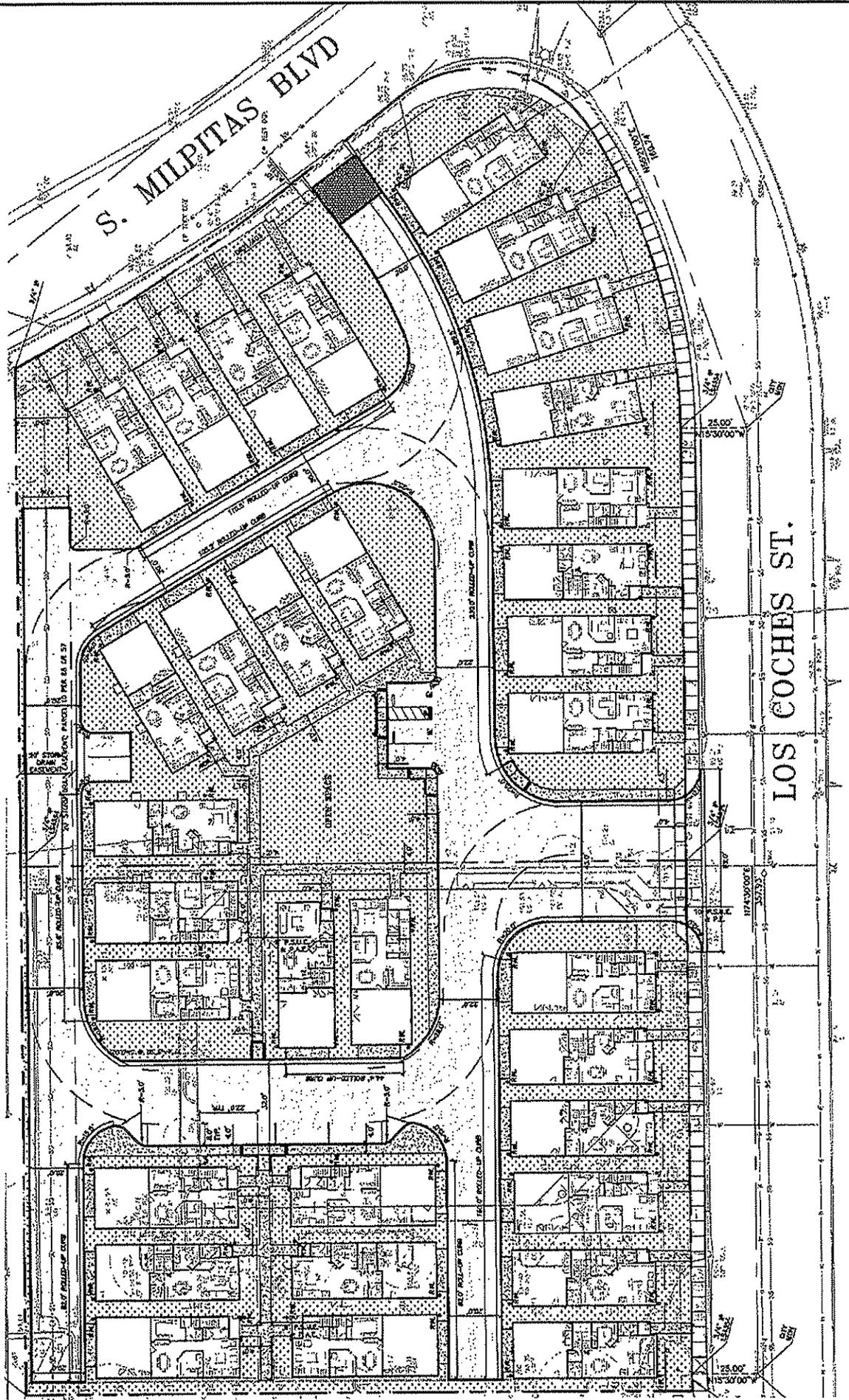


FIGURE 2 | SITE PLAN
TRAFFIC IMPACT STUDY

375 Los Coches Residential Project
 City of Milpitas

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 different 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 its 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

<u>Level of Service</u>	<u>Description of Operations</u>	<u>Average Delay (sec/veh)</u>
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.

¹As 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 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.

**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 & HILL VIEW 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.

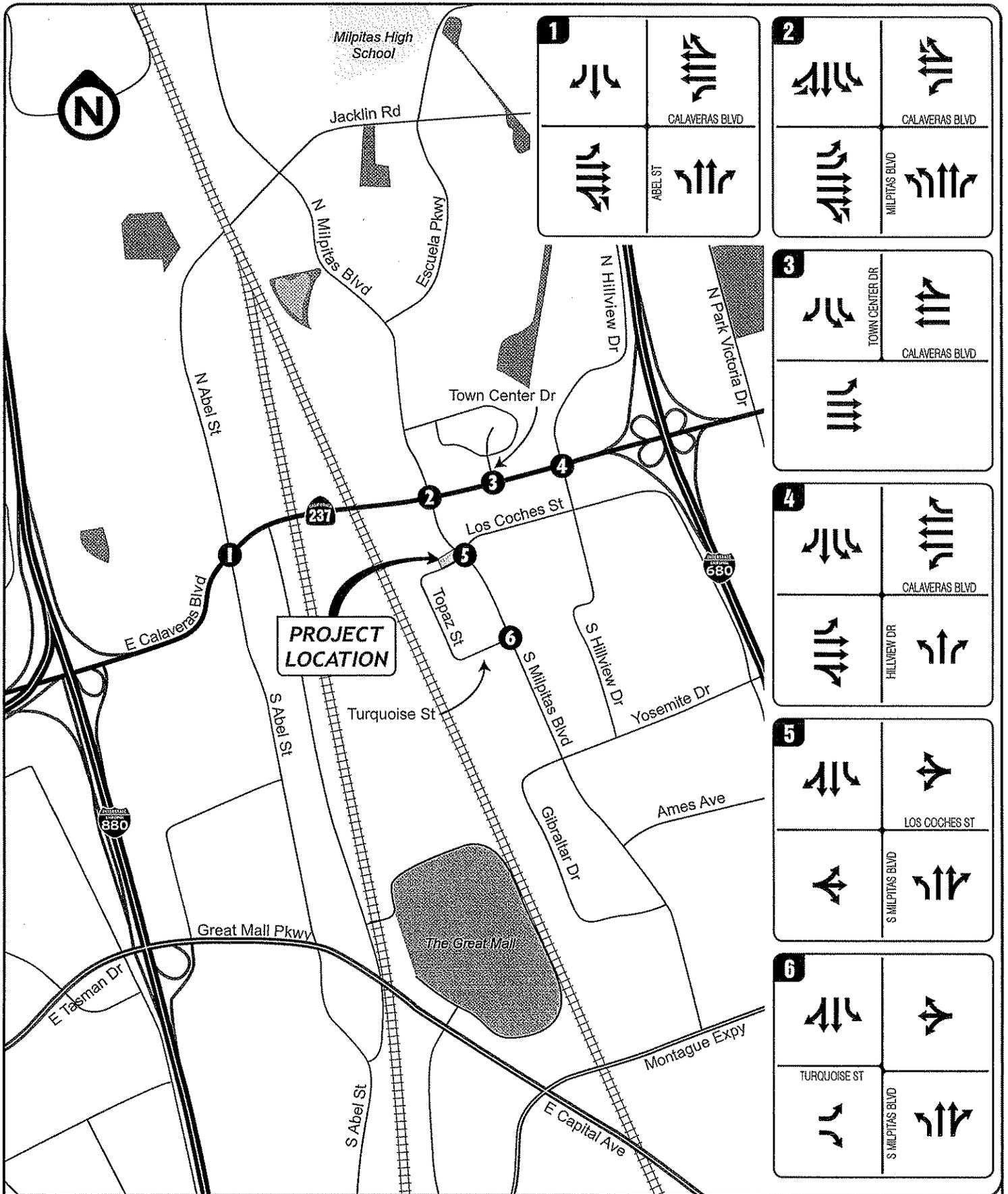


FIGURE 3 | EXISTING LANE CONFIGURATION
TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
 City of Milpitas

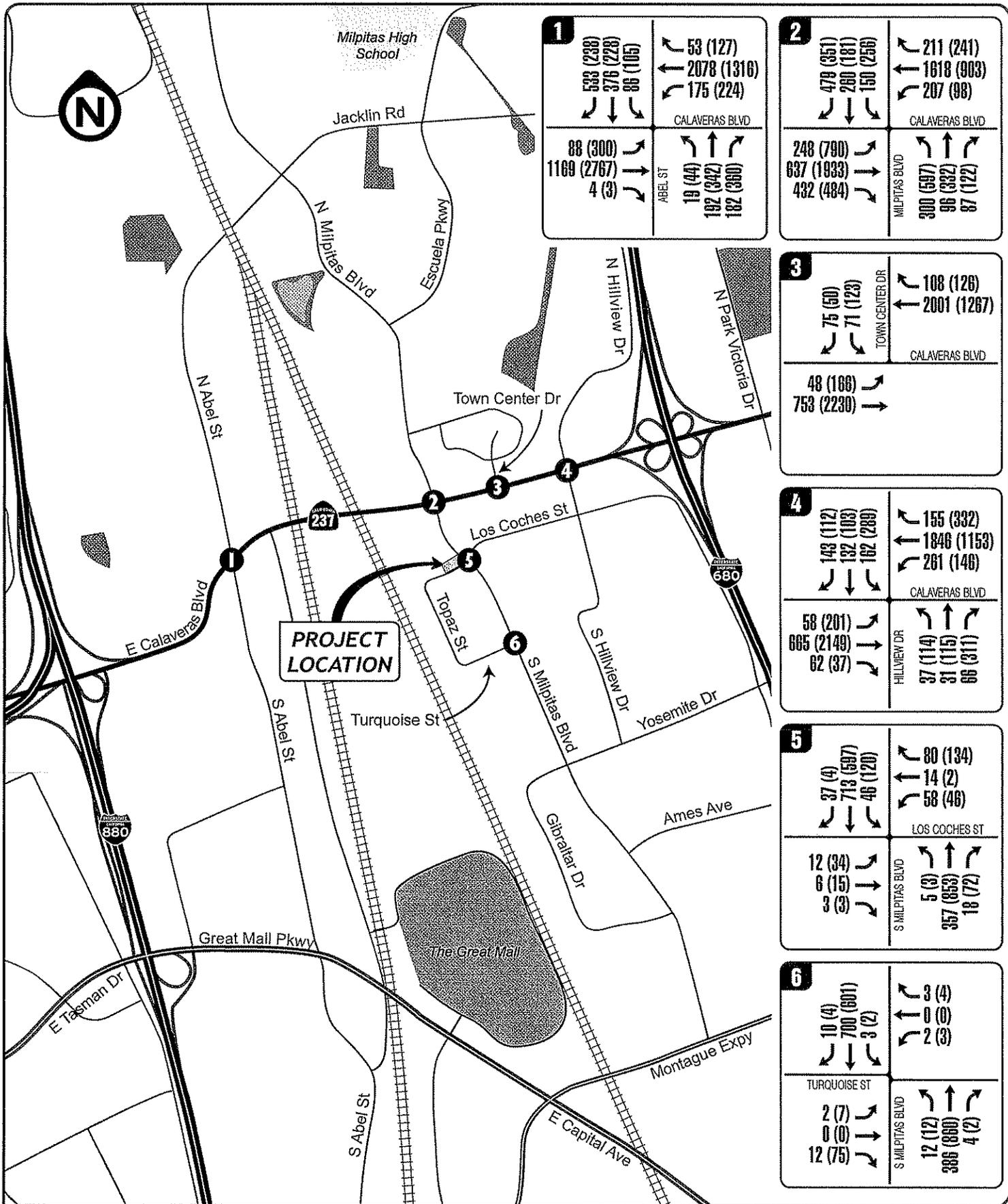


FIGURE 4 | EXISTING AM(PM) PEAK HOUR VOLUMES
 TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
 City of Milpitas

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*).

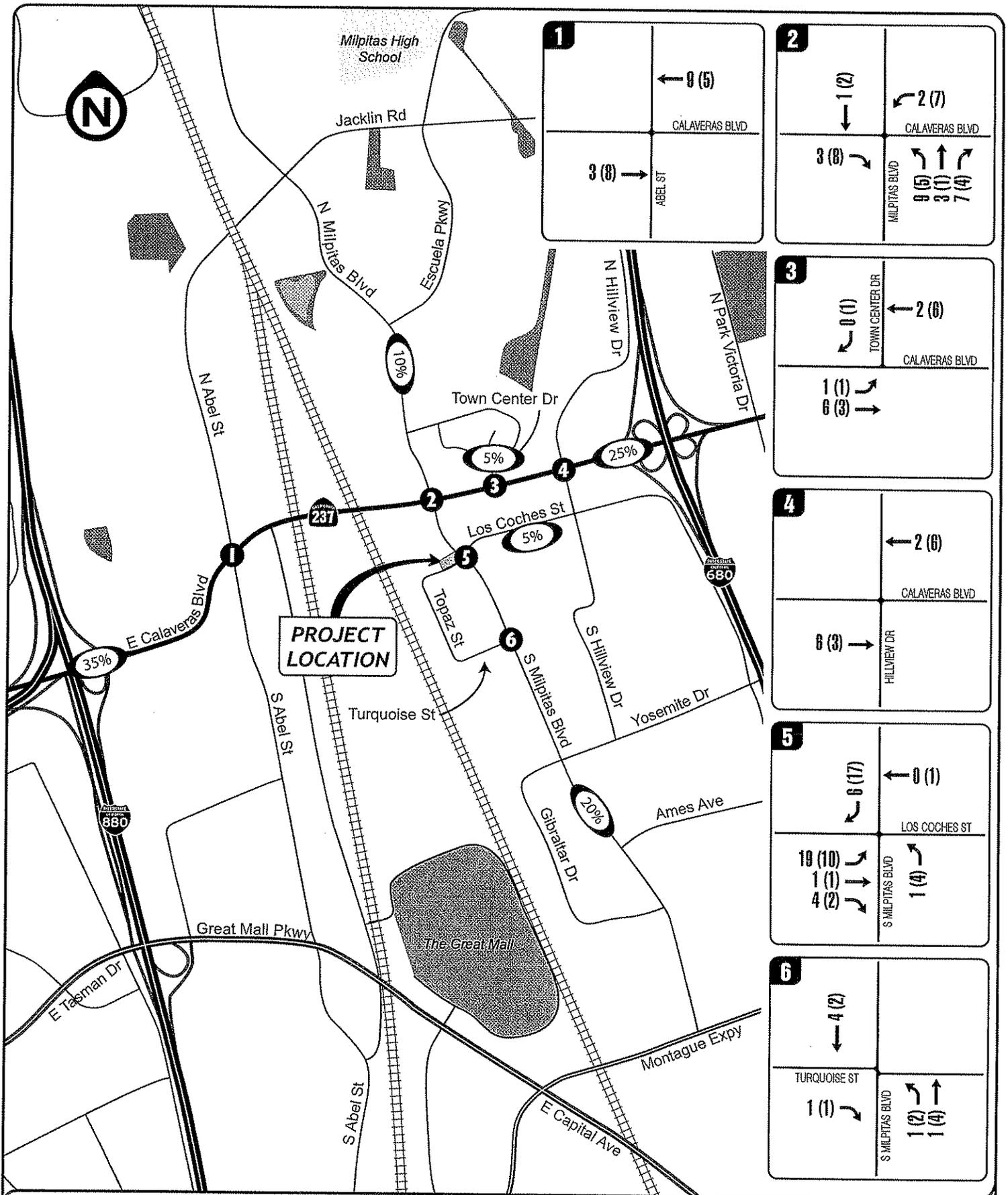


FIGURE 5 | PROJECT AM(PM) PEAK HOUR TRIPS & DISTRIBUTION
TRAFFIC IMPACT STUDY

375 Los Coches Residential Project
City of Milpitas

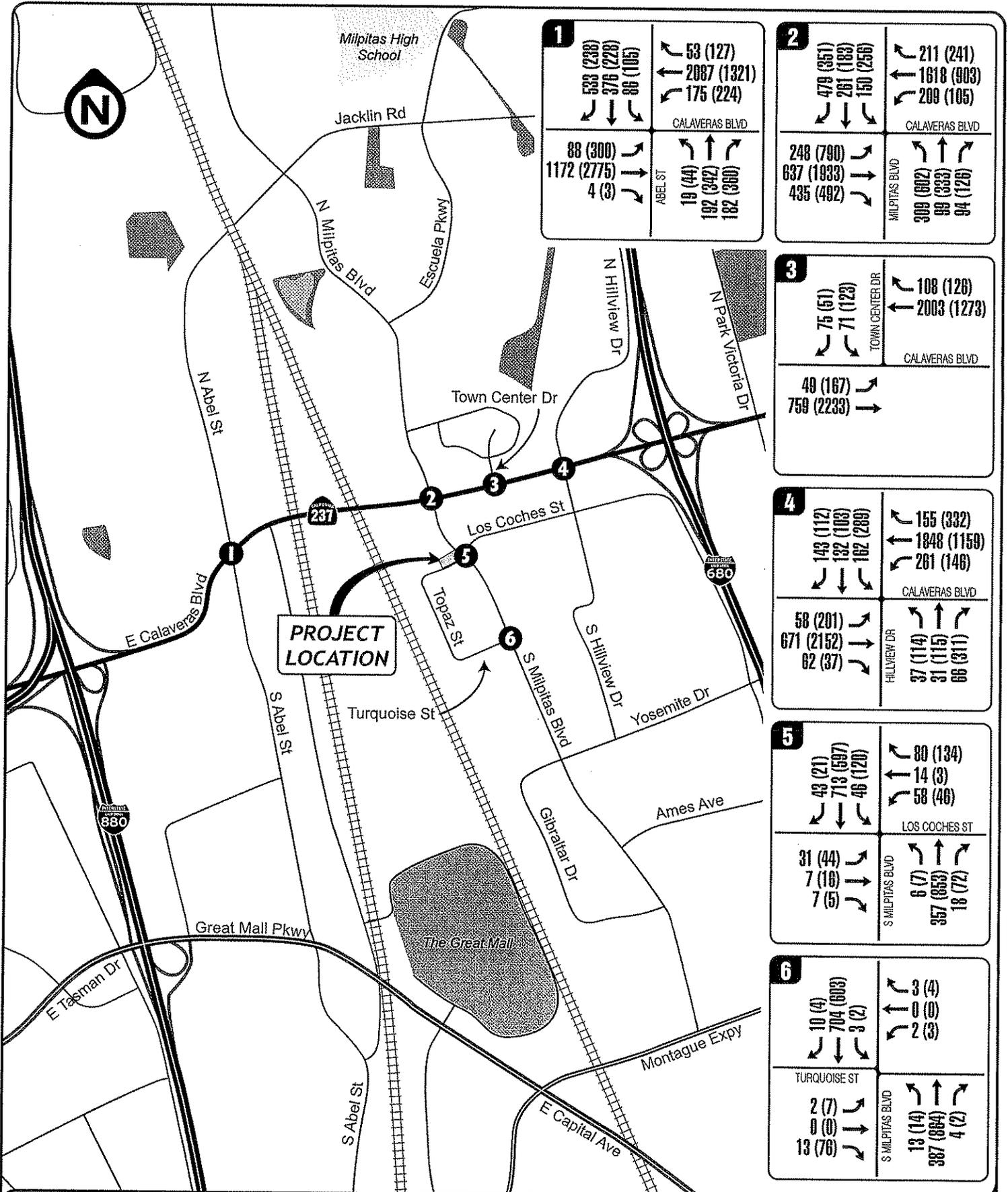


FIGURE 6 | EXISTING PLUS PROJECT AM(PM) PEAK HOUR VOLUMES
TRAFFIC IMPACT STUDY

375 Los Coches Residential Project
 City of Milpitas

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.

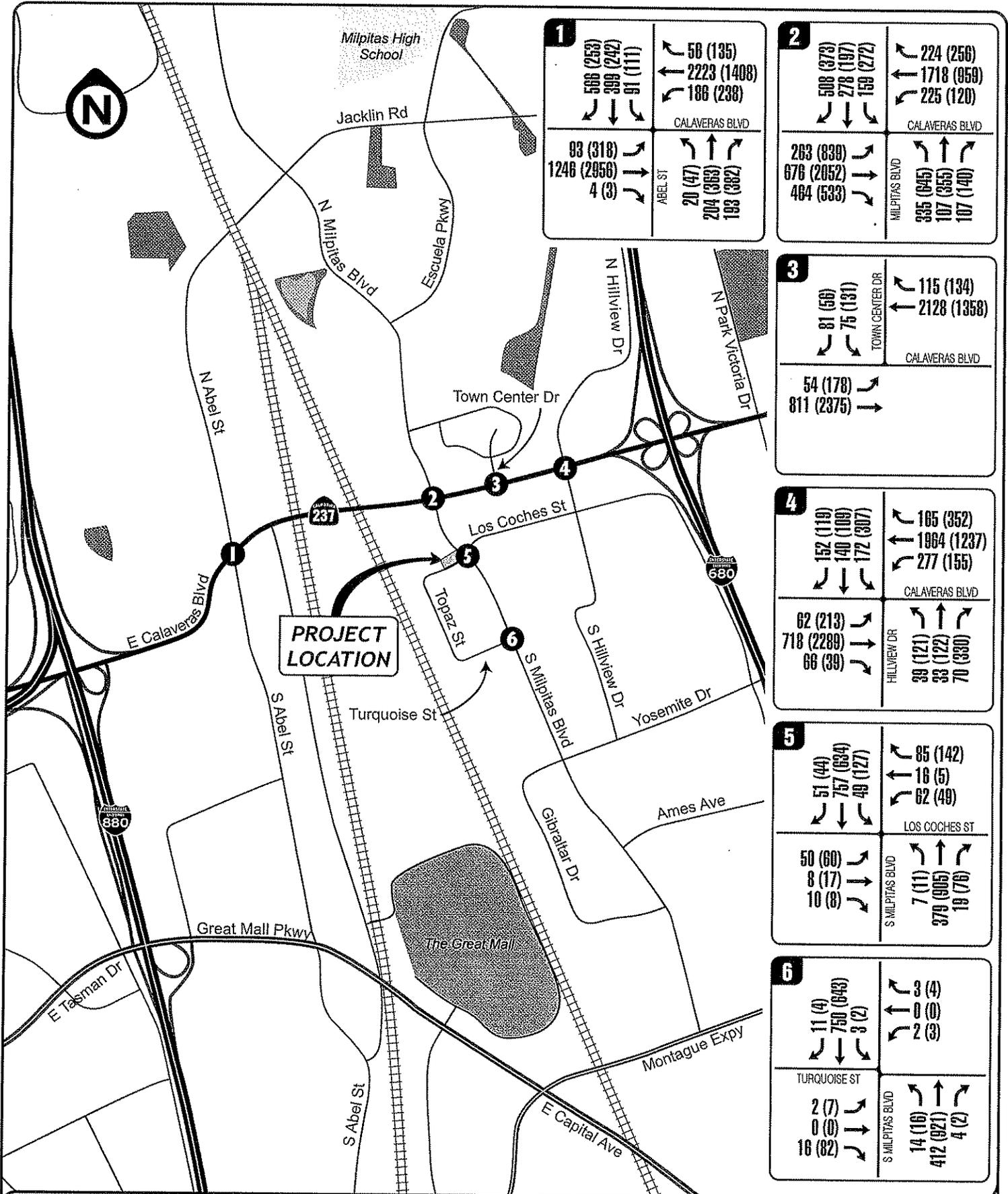


FIGURE 7 | BACKGROUND AM(PM) PEAK HOUR VOLUMES
 TRAFFIC IMPACT STUDY
375 Los Coches Residential Project
 City of Milpitas

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.

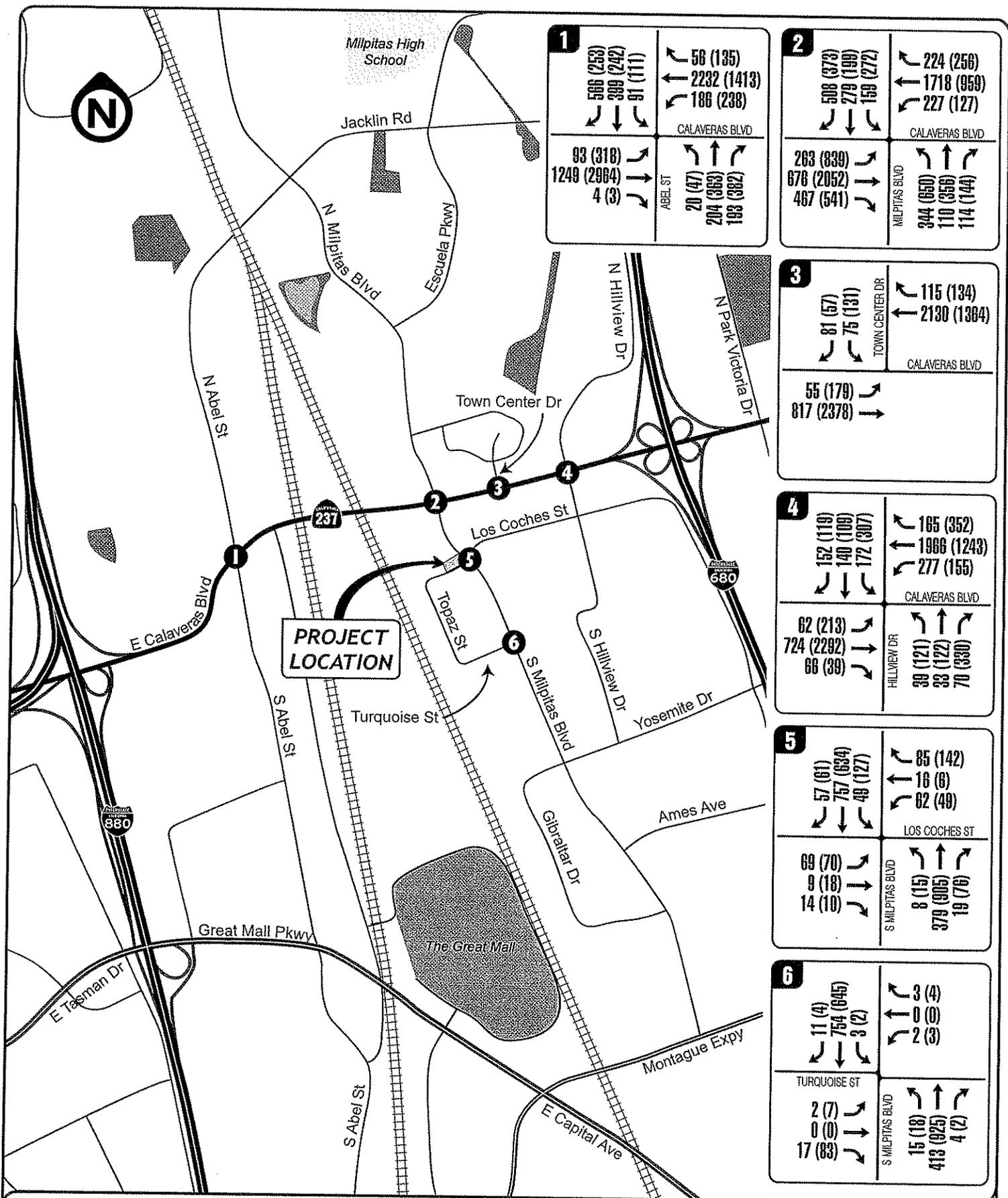


FIGURE 8 | BACKGROUND PLUS PROJECT AM(PM) PEAK HOUR VOLUMES
TRAFFIC IMPACT STUDY

375 Los Coches Residential Project
City of Milpitas

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.

***FORTY TWO LOT TOWNHOME DEVELOPMENT
345 & 375 LOS COCHES STREET
ENVIRONMENTAL NOISE ASSESSMENT
MILPITAS, CALIFORNIA***

December 18, 2012



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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 were 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.

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

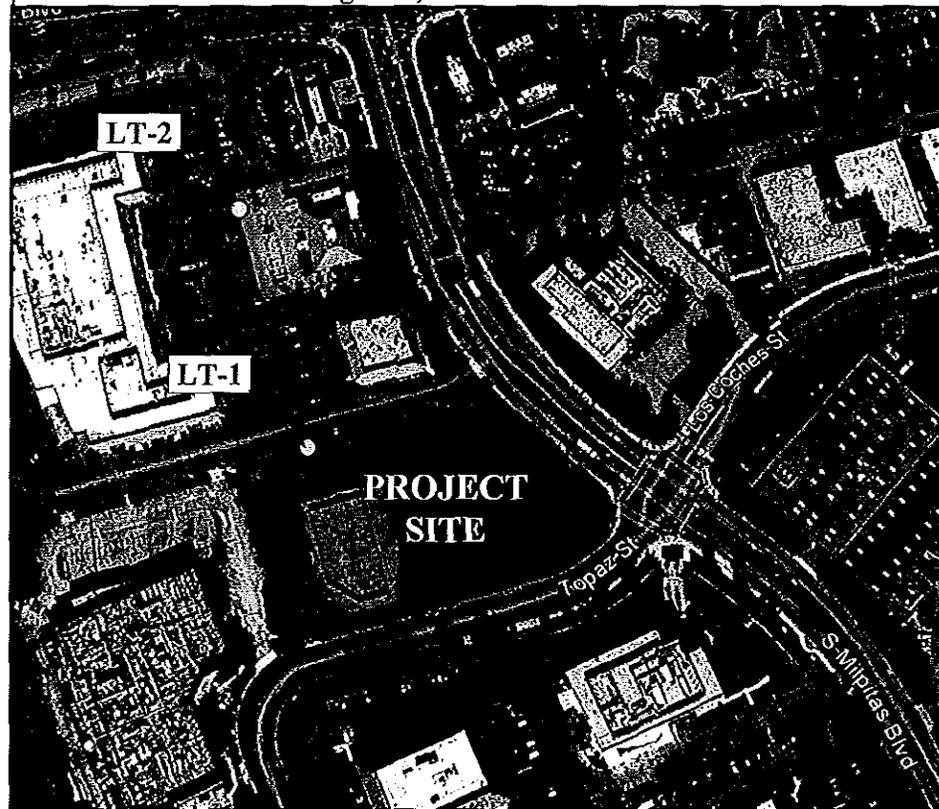
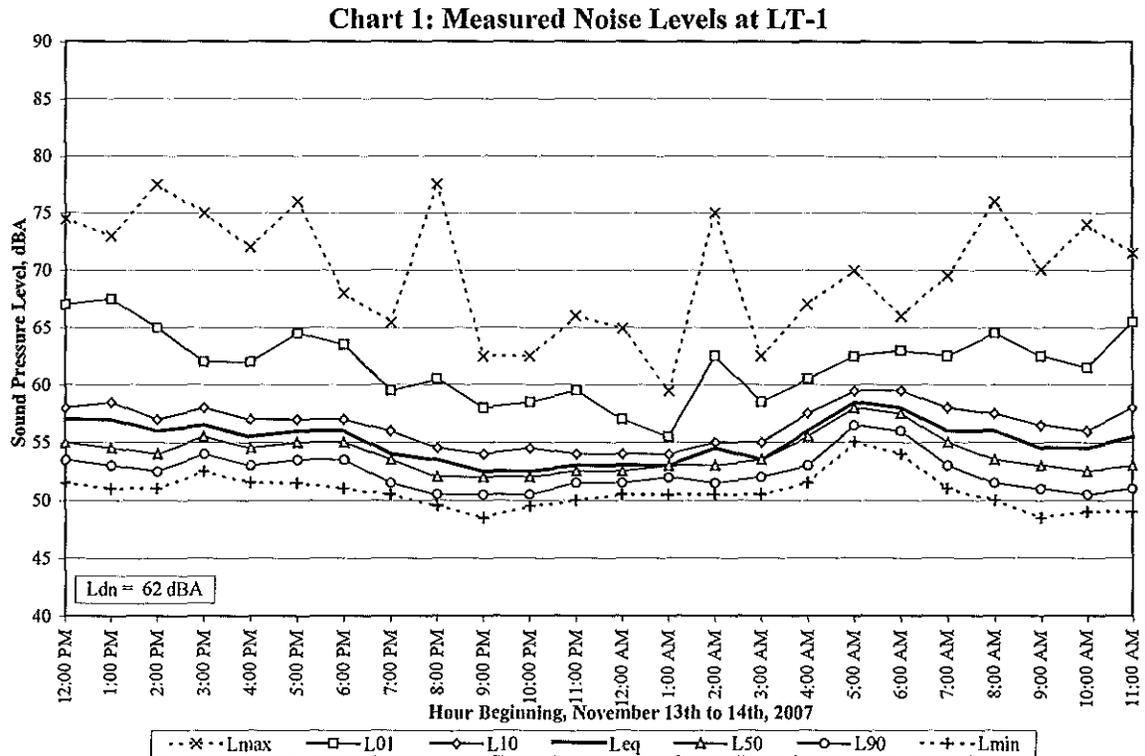


Figure 1: Project Site and Noise Monitoring Locations

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

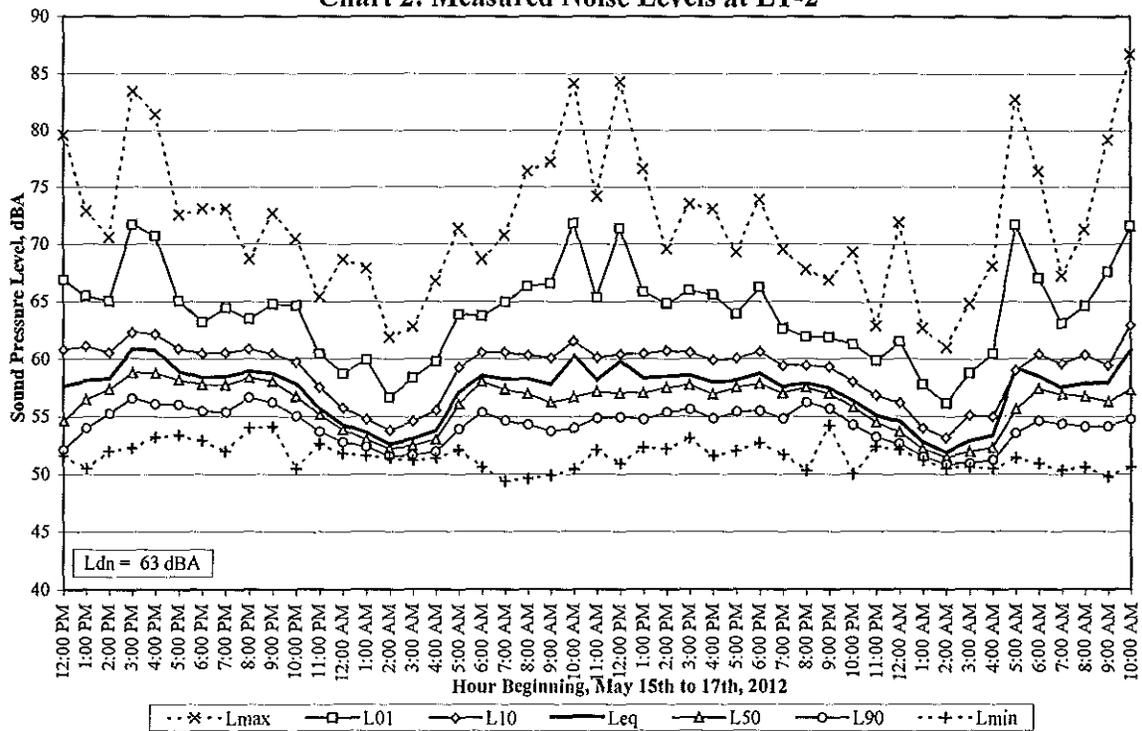
periods. The Day/Night Average Noise Level (L_{dn}) over the measurement period at LT-1 was calculated to be 62 dBA.



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} .

Chart 2: Measured Noise Levels at LT-2



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.

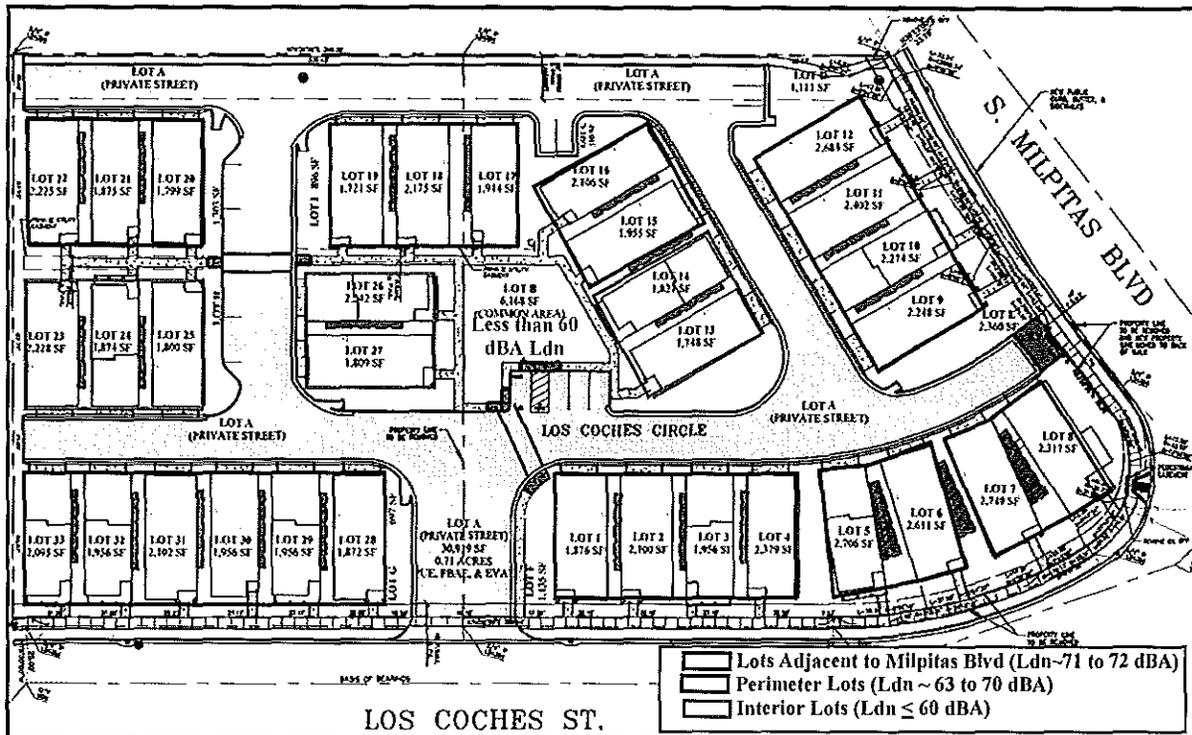


Figure 2: Site Noise Exposure

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 project site would be “normally acceptable” by these standards. A result of this finding is that the common exterior use area 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 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. 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.



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 Analysis² ("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.

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 Center³. 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 chemicals⁴. 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

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 trifluoride, 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.

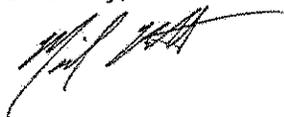
Conclusion

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 Concern¹ Stored in the Vicinity of the Project
 375 Los Cochinos Street and 355 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	CaIARP Threshold Quantity (lbs)	Ratio of CaIARP 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) ⁶	1/10 IDLH Distance (mi) ⁶	
Linear Technology 279 S. Hillview Drive	0.2 miles to the SSE	Anhydrous Ammonia ^{7a}	100%	1,150	cu ft	50	500	10	5	0.21	0.14	0.021	0.1	0.1	0.4	
		Asiline	1%	178	cu ft	0.35	100	290	0.0095	0.0095	0.0095	0.0095	0.0095	0.02	0.04	0.1
		Boron Trifluoride	100%	29	cu ft	4.3	500	4.3	100	4.9	0.069	0.069	0.069	0.1	0.1	0.2
		Chlorine ^a	100%	540	cu ft	98	100	1	100	9.8	0.029	0.0087	0.0029	0.4	0.7	1.2
		Diborane	5%	158	lbs	7.9	100	13	100	0.029	0.017	0.0011	0.0017	0.2	1.2	0.9
		Dichlorosilane	100%	310	cu ft	80	10,000	130	100	8	NA	NE	NA	NA	NE	NA
		Hydrogen Bromide	100%	329	cu ft	68	NE	NE	NE	6.8	0.099	NE	0.099	NE	NE	1
		Hydrogen Chloride	100%	540	cu ft	50	500	10	500	5	0.074	0.030	0.0074	0.3	NE	NE
		Nitrogen Trifluoride	100%	216	cu ft	39	NE	NE	NE	3.9	2.9	NE	NE	2.9	NE	0.2
		Phosphine	15%	189	cu ft	16	500	200	500	2.5	0.069	0.0035	0.0069	0.1	0.2	0.1
		Phosphorus	100%	189	cu ft	16	500	31	500	1.6	0.069	0.0035	0.0069	0.2	1.1	0.7
		Sodium Hydroxide ^b	30%	900	gal	3,000	gal	0.01	NE	300	0.01	NE	0.001	NE	NE	NE
		Sulfuric Acid ^c	36%	500	gal	1,600	gal	NE	NE	160	0.015	NE	0.0015	NE	NE	NE
		Sulfur Hexafluoride	100%	287	cu ft	110	NE	NE	NE	11	ND	NE	ND	ND	NE	ND
		Tungsten Hexafluoride	100%	95	cu ft	42	NE	NE	NE	4.2	NA	NE	NA	NA	NE	NA
Headway Technologies 487 S. Hillview Drive	0.39 miles to the SSE	Anhydrous Ammonia ^{7a}	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	500	7.5	NA	0.010	NA	NA	1.4	NA
		Carbon Monoxide	100%	250	cu ft	18	NE	NE	NE	1.8	NA	NE	0.14	NA	NE	0.2
		Chlorine ^a	100%	250	cu ft	45	100	2.2	100	4.5	0.029	0.0087	0.0029	0.2	0.5	0.8
		Hydrogen Bromide	100%	250	cu ft	52	NE	NE	NE	5.2	0.099	NE	0.099	0.3	NE	1
		Hydrogen Sulfide ^b	30%	1,000	gal	3,300	gal	0.01	NE	330	0.01	NE	0.001	NE	NE	NE
		Sulfuric Acid ^c	36%	1,000	gal	3,100	gal	NE	NE	310	0.015	NE	0.0015	NE	NE	NE
		Anhydrous Ammonia ^{7a}	100%	250	cu ft	11	500	46	500	1.1	0.21	0.14	0.021	0.1	0.1	0.2
		Boron Trichloride	100%	250	cu ft	75	500	6.7	500	7.5	NA	0.010	NA	NA	1.4	NA
		Carbon Monoxide	100%	250	cu ft	18	NE	NE	NE	1.8	NA	NE	0.14	NA	NE	0.2
		Chlorine ^a	100%	250	cu ft	45	100	2.2	100	4.5	0.029	0.0087	0.0029	0.2	0.5	0.8
		Hydrogen Bromide	100%	250	cu ft	52	NE	NE	NE	5.2	0.099	NE	0.099	0.3	NE	1
		Sodium Hydroxide ^b	30%	1,000	gal	3,300	gal	0.01	NE	330	0.01	NE	0.001	NE	NE	NE
		Sulfuric Acid ^c	36%	1,000	gal	3,100	gal	NE	NE	310	0.015	NE	0.0015	NE	NE	NE
		Nanogram 165 Topaz Street	0.10 miles to the SSW	Anhydrous Ammonia ^{7a}	100%	250	cu ft	11	500	46	1.1	0.21	0.14	0.021	0.1	0.1
Diborane	10%			154	cu ft	1.1	100	92	100	0.11	0.017	0.0011	0.0017	0.03	0.2	
Phosphine	10%			484	cu ft	4.2	500	120	500	0.42	0.069	0.0035	0.0069	0.1	0.3	
Sulfur Hexafluoride	100%			337	cu ft	130	NE	NE	NE	13	ND	NE	ND	ND	NE	ND
Sulfuric Acid ^c	36%			700	gal	2,300	gal	NE	NE	230	0.01	NE	0.001	NE	NE	NE
Siemens Water Technologies 980 Ames Avenue	0.84 miles to the SSE	Sodium Hydroxide ^b	50%	7,000	gal	45,000	NE	NE	4500	0.01	NE	0.001	NE	NE	NE	
		Sulfuric Acid ^c	31%	7,000	gal	21,000	NE	NE	NE	2100	0.074	NE	0.0074	NE	NE	NE
		Hydrochloric Acid ^d	100%	12,000	cu ft	520	500	0.96	500	52	0.21	0.14	0.021	0.4	0.4	1.1

Notes:
 1 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.
 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 will require 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/CaIARP toxic endpoint (TEP) or the IDLH for Fire Department planning purposes.
 7 Assumes anhydrous ammonia is liquified under pressure.

Table 1

^a Distances for anhydrous ammonia and chlorine based on chemical-specific dispersion models provided in USEPA 1999.

^b Density of sodium hydroxide solutions (30% solution = 1.33; 50% solution = 1.53) taken from JT Baker 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 JT Baker 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



MAP SOURCE: Bing Maps



Proposed Project Boundary
 DRG
 Milpitas, California

Figure
1

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Industrial Facilities Near the Proposed Project
 DRG
 Milpitas, California

Figure
2

Drafter: RS

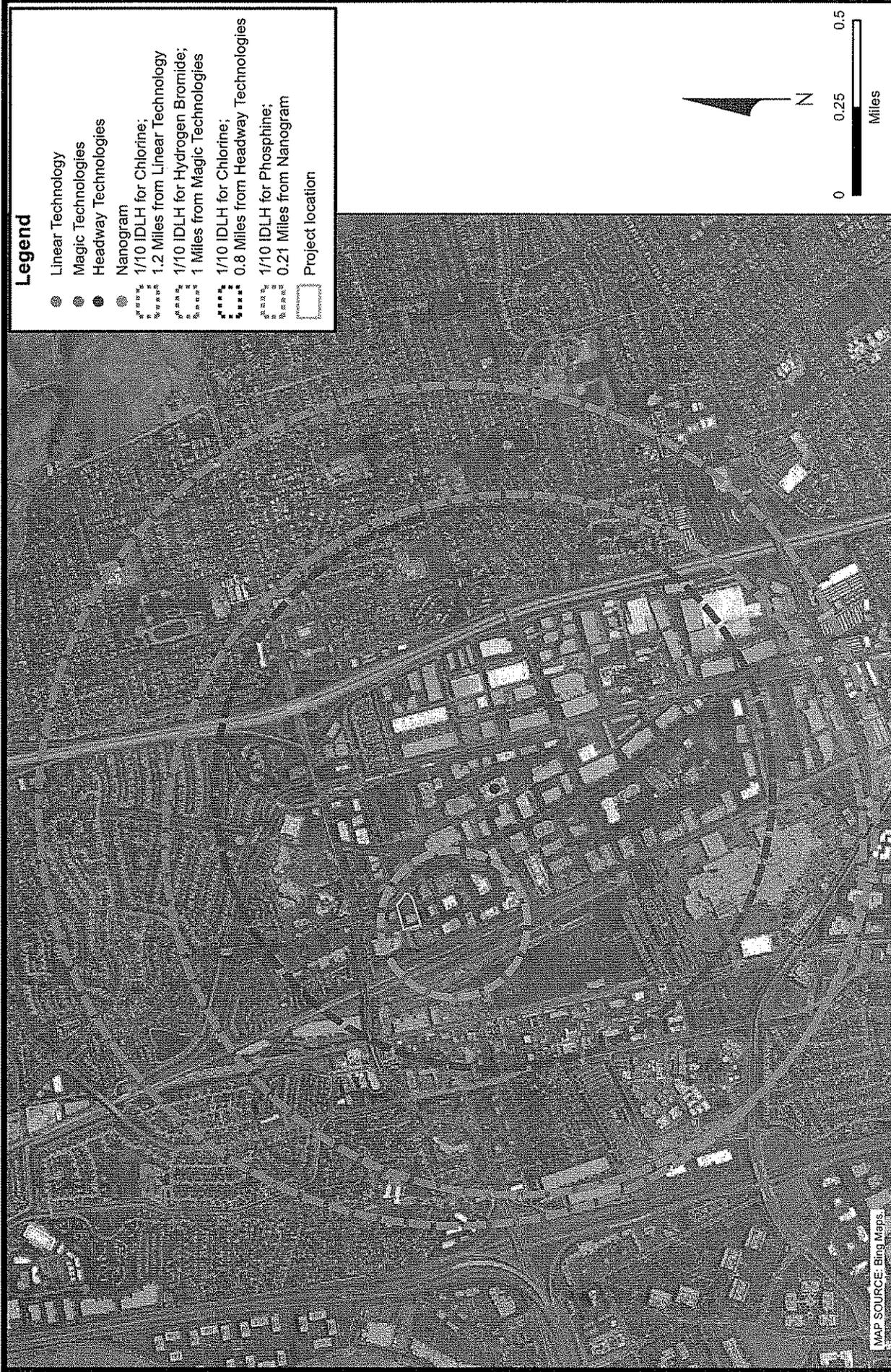
Date: 9/10/12

Contract Number: 03-31097A

Approved:

Revised:

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Legend

- Linear Technology
- Magic Technologies
- Headway Technologies
- Nanogram
- 1/10 IDLH for Chlorine; 1.2 Miles from Linear Technology
- 1/10 IDLH for Hydrogen Bromide; 1 Miles from Magic Technologies
- 1/10 IDLH for Chlorine; 0.8 Miles from Headway Technologies
- 1/10 IDLH for Phosphine; 0.21 Miles from Nanogram
- Project location

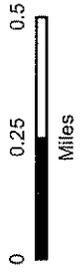


Figure
3

Maximum Distances to 1/10 IDLH Concentration
 DRG
 Milpitas, California



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**GREENHOUSE GAS/ AIR QUALITY TECHNICAL REPORT FOR THE 345/375 LOS
COCHES PROJECT, CITY OF MILPITAS**

Prepared for:

Castle Companies
12885 Alcosta Blvd., Suite A
San Ramon, CA. 94583

June 2012

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 (PM₁₀ 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/m³ = micrograms per cubic meter

30-day = 30-day average

Quarter = Calendar quarter

Mean = Annual Arithmetic Mean

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 PM₁₀ standard.

Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and particulate matter (PM₁₀ 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 (CO₂)
- Methane (CH₄)
- Nitrous Oxide (N₂O)
- 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 CO₂ 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 CO₂e, or approximately 30% from the state's projected 2020 emission level of 596 MMT of CO₂e 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 CO₂ equivalent million metric tons (MMT_{CO₂e}).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 CO₂, 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

³ The CO₂ equivalent emissions are commonly expressed as "million metric tons of carbon dioxide equivalent (MMT_{CO₂E})".

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 (MMTCO₂E)	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 Guidelines⁵ 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 PM₁₀. 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.

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 PM₁₀. 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:

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 CO₂ equivalent GHGs (CO₂e) are less than 1,100 metric tons per year; or
- Project emissions of CO₂ 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 PM₁₀) (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

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 PM₁₀ 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	PM₁₀
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.

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

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 MTCO₂E, 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 MTCO₂E. 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 CO₂ equivalent GHGs (CO₂e) are less than 1,100 metric tons per year; or
- Project emissions of CO₂ 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 (MTCO₂E)
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										M/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	2.60	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										M/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	2.60	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										M/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	223.61	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	323.70	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										M/yr					
Area	0.23	0.00	0.19	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										Mtyr					
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										Mtyr					
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										Mtyr					
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										Mtyr					
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										M/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										M/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										M/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										M/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

Category	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										M/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

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	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

Land Use	Miles			Trip %		
	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										M/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										M/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										M/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				M/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				M/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										Mtyr					
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										Mtyr					
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										Mtyr					
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				M/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				M/yr			
Single Family Housing	1.498547					3.34	0.05	0.00	4.67
Total	0.944733					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				M/yr			
Single Family Housing	1.498547					3.34	0.05	0.00	4.67
Total	0.944733					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				M/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				M/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				M/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			
		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	28.41	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	3,383.84	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	28.41	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	3,383.84	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	0.38	31.18	0.02		0.00	4.20		0.00	4.19	483.66	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	483.66	1,960.01		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	36.45	23.67	0.04		2.29	2.29		2.29	2.29		3,946.47		0.46		3,956.03
Total	5.07	36.45	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		496.57
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		656.93

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	36.45	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	36.45	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		496.57
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		656.93

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		96.55
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		96.55
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	NA

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
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

Land Use	Misc			Trip %		
	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					
Natural Gas Mitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		266.05		0.01	0.01	287.79
Natural Gas Unmitigated	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		266.05		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 - Natural Gas

Unmitigated

	Natural Gas 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		266.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		266.05		0.01	0.01	287.79

Mitigated

	Natural Gas 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	2,431.41	0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		266.05		0.01	0.01	287.79
Total		0.03	0.22	0.10	0.00		0.00	0.02		0.00	0.02		266.05		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						
Natural Gas 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
Natural Gas 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	NA

5.2 Energy by Land Use - Natural Gas

Unmitigated

	Natural Gas 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

	Natural Gas 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	3.84	2.39	6.04	0.02	2.39	2.42	0.00	4,584.38	0.00	0.48	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	0.48	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	0.38	31.18	0.02		0.00	4.20		0.00	4.19	463.66	151.20		0.75	0.03	636.63
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	1.76	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	1.76	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		88.88
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		88.88

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	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		0.60		0.00		0.60
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		0.60		0.00		0.60
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

	ROS	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bi-CO2	NBi-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day											lb/day				
Mitigated	1.21	2.03	10.43	0.01	1.71	0.07	1.78	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	1.78	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

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMF	Annual VMF
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

Land Use	Miles			Trip %		
	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					
Natural Gas 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
Natural Gas 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 - Natural Gas

Unmitigated

	Natural Gas 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

	Natural Gas 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

Category	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
Mitigated	1.30	0.02	1.97	0.00	0.00	0.01	0.00	0.00	0.01	0.00	0.00	3.46	0.00	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	638.29			
Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

6.2 Area by SubCategory

Unmitigated

SubCategory	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
Architectural Coating	0.35					0.00	0.00	0.00	0.00	0.00						0.00
Consumer Products	0.89					0.00	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	638.29			

Mitigated

SubCategory	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
Architectural Coating	0.35					0.00	0.00	0.00	0.00	0.00						0.00
Consumer Products	0.89					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	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		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:

$$\text{Dose} = (C_{\text{air}} * \text{DBR} * \text{EF} * \text{ED} * \text{CF}) / \text{AT}$$

where:

Dose = dose through inhalation (mg/kg-day)
 C_{air} = air concentration ($\mu\text{g}/\text{m}^3$) 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 guidelines¹⁷ 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:

$$\text{Cancer Risk} = (\text{Dose} * \text{CRAF} * \text{Cancer Potency Factor})$$

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 ***

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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 (M)	CONC (UG/M**3)	STAB	U10M (M/S)	USTK (M/S)	MIX HT (M)	PLUME HT (M)	SIGMA Y (M)	SIGMA Z (M)
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 ***

CALCULATION PROCEDURE	MAX CONC (UG/M**3)	DIST TO MAX (M)	TERRAIN 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 ***

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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.

BOUY. 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)
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 **



**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 term 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 Heaton's, 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 he 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.



**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.

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:

APPROVED:

Mary Lavelle, City Clerk

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	
<i>Live-Work Units</i>	<i>Single family and duplexes</i> 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.

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:

APPROVED:

Mary Lavelle, City Clerk

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 tons (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.
- 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?
 - If a gas monitoring system will be installed, provide information on the minimum maintenance frequency for the system.
 - 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?
 - 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:
- Removal and installation of new curb, gutter, sidewalk, street lights, landscaping, signage and striping, fire hydrants and bus stop.
 - AC overlay of the entire width of Los Coches frontage of the project.
 - 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
<p>Mitigation Measure 1: The proposed project shall implement the following standard measure:</p> <p>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.</p>	<p>Responsibility: Applicant Timing: Construction</p>	<p>Responsibility: Building Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>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.</p> <p>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</p>	<p>Responsibility: Applicant Timing: Building permits</p>	<p>Responsibility: Building Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

EXHIBIT 2

<p>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.</p> <p>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.</p> <p>Mitigation Measure: The proposed project shall implement the following standard measures:</p>					
<p>HAZMAT-1.2: The Project will provide an Emergency Action Plan (EAP) with evacuation and shelter-in-place procedures to the Milpitas Fire Department.</p>	<p>Responsibility: Applicant Timing: Prior to issuance of the Certificate of Occupancy</p>	<p>Responsibility: Planning and Fire department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>HAZMAT-1.3: 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 Milpitas Fire Department on an annual basis.</p>	<p>Responsibility: Applicant Timing: Prior to Building Permit Issuance</p>	<p>Responsibility: Planning and Fire department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>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 wattles around the perimeter of the site, regular street cleaning, and inlet</p>	<p>Responsibility: Applicant Timing: Prior to issuance of building permit</p>	<p>Responsibility: Public Works and Engineering</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

EXHIBIT 2

<p>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:</p> <ul style="list-style-type: none"> • 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. 					
<p>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.</p>	<p>Responsibility: Applicant Timing: Prior to issuance of building permit</p>	<p>Responsibility: Land Development And Engineering</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>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.</p>	<p>Responsibility: Applicant Timing: Construction</p>	<p>Responsibility: Building</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>HYDRO-1.4: The proposed development shall comply with the NPDES permit issued to the City of Milpitas.</p>	<p>Responsibility: Applicant Timing: Prior to issuance of Building Permit</p>	<p>Responsibility: Land Development and Engineering</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
<p>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.</p>	<p>Responsibility: Applicant Timing: Building Permit</p>	<p>Responsibility: Planning & Building Departments</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	

EXHIBIT 2

<p>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: <i>"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."</i></p> <p>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.</p>	<p>Responsibility: Applicant Timing: Building Permit</p>	<p>Responsibility: Planning & Building Department</p>	<p>_____ Initials _____ Date</p>	<p>_____ Initials _____ Date</p>	
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