

Draft Final
Environmental Impact Report

Waterstone Residential Project

City of Milpitas

September 2013

PREFACE

This document, together with the Draft Environmental Impact Report (DEIR), constitutes the Final Environmental Impact Report (FEIR) for the Waterstone Residential project. The DEIR was circulated to affected public agencies and interested parties for a 45-day review period from June 21 to August 5, 2013. This volume consists of comments received by the Lead Agency on the DEIR during the public review period, responses to those comments, and revisions to the text of the DEIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects.

According to the State Public Resources Code (Section 21081), no public agency shall one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available to the public prior to consideration of the Environmental Impact Report. All documents referenced in this FEIR

are available for public review in the Milpitas City Hall at 455 E. Calaveras Boulevard, on weekdays during normal business hours.

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**SECTION 1.0 LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THE
DRAFT EIR WAS SENT**

State Agencies

California Air Resources Board
California Department of Fish and Wildlife – Region 3
California Department of Parks and Recreation
California Department of Water Resources
California Department of Transportation – District 4
California Highway Patrol
Department of Toxic Substances Control
Native American Heritage Commission
Office of Historic Preservation
US Army Corps of Engineers

Regional Agencies

Bay Area Air Quality Management District
Regional Water Quality Control Board – Region 2
San Francisco Bay Conservation and Development Commission
Santa Clara County Department of Roads and Airports
Santa Clara County Open Space Authority
Santa Clara County Planning Development
Santa Clara Valley Transportation Authority
Santa Clara Valley Water District

Local Agencies

City of Fremont
City of San Jose

Other Agencies, Organizations, and Businesses

AT&T
Ione Bank of Miwok Indians
Milpitas Unified School District
Pacific Gas & Electric

SECTION 2.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR

State Agencies

- | | | |
|----|---|---------------|
| A. | California Public Utilities Commission | July 24, 2013 |
| B. | California Department of Transportation | July 26, 2013 |

Regional Agencies

- | | | |
|----|--|----------------|
| C. | County of Santa Clara Department of Environmental Health | July 23, 2013 |
| D. | Santa Clara Valley Transportation Authority | August 5, 2013 |

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments on the DEIR that were received by the City in letters and emails during the 45-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters or emails are presented as “Comment” with each response to that specific comment directly following. Each of the letters and emails submitted to the City of Milpitas are attached in their entirety (with any enclosed materials) in Section V of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section I of this document lists all of the recipients of the DEIR.

The four comment letters received are from public agencies, none of whom could be Responsible Agencies under CEQA for the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

The CEQA Guidelines state that the Lead Agency shall evaluate comments on the environmental issues received from persons who reviewed the DEIR and shall prepare a written response to those comments. The lead agency is also required to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This FEIR contains written responses to all comments made on the DEIR received during the advertised 45-day review period. Copies of this FEIR have been supplied to all persons and agencies that submitted comments.

A. RESPONSE TO COMMENTS FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION, JULY 24, 2013:

Comment A-1: As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The proposed development will impact the following at-grade highway-rail crossing:

- Dixon Landing Road, DOT # 750076A, CPUC # 001DA-8.60

The proposed residential development is located approximately half a mile from the Union Pacific Railroad (UP) Warm Springs Subdivision tracks. There are approximately 8 freight trains per day on this track traveling 10 mph. Numerous commercial plazas and strip malls are located on North Milpitas Boulevard, east of the Dixon Landing Road rail crossing. In addition, Dixon Landing Road is used as a connector between Highway 680 and Highway 880. As such, the Waterstone Residential project may generate additional vehicular and pedestrian traffic over the Dixon Landing Road rail crossing. Due to the risk of additional traffic at the crossing, the following safety measures are recommended by CPUC:

- Install Commission Standard 8's (flashing light signal assemblies) in the northwest and southeast quadrants to provide additional warning for pedestrians.
- The City should investigate future grade separation of the crossing alongside the Bay Area Rapid Transit (BART) tracks. The Silicon Valley Rapid Transit (SVRT) project is currently under construction, creating grade separated BART tracks adjacent to the Dixon Landing Road UP rail crossing. Grade separating all rail will greatly improve safety off motorists and pedestrians and improve traffic circulation in the region.

In order to make alterations to any crossing a GO 88-B application must be submitted with the California Public Utilities Commission. Information about this application process can be found at our website at <http://www.cpuc.ca.gov/crossing>.

Response A-1: In accordance with the above request and project consistency with General Plan Policy No. 3.b-I-5¹, City staff will request that the City Council require the applicant to construct additional train warning signals for pedestrians at the Dixon Landing Road rail crossing to ensure safe and efficient travel as a Condition of Approval. If the City Council

¹ Create a balanced multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable in respect to the community context of the general plan.

conditions the project to include construction of additional train warning signals, the applicant will be required to file and obtain approval from the CPUC.

B. RESPONSE TO COMMENTS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, JUNE 20M 2013:

Comment B-1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Draft Environmental Impact Report (DEIR) and the appended Traffic Impact Analysis (TIA) and offer the following comments:

Trip Generation

Changes in the project’s description and proposed land uses have occurred since the original Traffic Impact Analysis was completed in January of 2012, which has led to changes in the project’s trip generation rates. The DEIR states that these changes will result in “slightly more trips” than the original proposal but the number of additional trips “...would be too few to materially change the level of service results in the original TIA...” We request that any numeric changes to the quantitative assessment of the project’s impacts be described quantitatively. Please provide Caltrans with a quantitative response prior to certification of the EIR.

Response B-1: Based on the ITE rates, the original project description (46 single-family houses and 62 townhouses) would generate 800 daily vehicle trips (62 in the AM Peak Hour and 79 in the PM Peak Hour). The project analyzed in the Draft EIR (84 single-family houses) would generate 803 daily vehicle trips of which 63 would occur in the AM Peak Hour and 85 would occur in the PM Peak Hour. Consequently, the project would generate one additional AM Peak Hour trip and six additional PM Peak Hour trips as shown in the table below. Given the acceptable levels of service at the study intersections around the project site, the additional traffic would not degrade any intersection LOS to an unacceptable level or increase the average delay or V/C to a level of significance based on the City of Milpitas and VTA guidelines.

| Trip Generation Comparison | | | | | | | | | | | | |
|-----------------------------------|------|----------|-------|----------|--------------|----------|----------|-----------|--------------|----------|----------|----------|
| Land Use | Size | ITE Code | Daily | | AM Peak Hour | | | | PM Peak Hour | | | |
| | | | Rate | Total | Rate | Total | In | Out | Rate | Total | In | Out |
| <i>Prior Use</i> | | | | | | | | | | | | |
| Single family | 46 | 210 | 9.57 | 440 | 0.75 | 35 | 9 | 26 | 1.01 | 46 | 29 | 17 |
| Townhouses | 62 | 230 | 5.81 | 360 | 0.44 | 27 | 5 | 22 | 0.52 | 32 | 22 | 10 |
| | 108 | | | 800 | | 62 | 14 | 48 | | 79 | 51 | 28 |
| Single family | 84 | 210 | 9.57 | 803 | 0.75 | 63 | 16 | 47 | 1.01 | 85 | 53 | 32 |
| Difference | | | | 3 | | 1 | 2 | -1 | | 6 | 2 | 4 |

Rate based on the ITE *Trip Generation* Manual, 8th edition, 2008

Comment B-2: Ramp Metering

The following freeway on-ramps are expected to be significantly impacted by the proposed project during ramp metering hours:

- Northbound (NB) Interstate 880 (I-880) diagonal on-ramp at Dixon Landing Road;

- NB I-880 loop on-ramp at Dixon Landing Road;
- Southbound (SB) I-880 diagonal on-ramp at Dixon Landing Road;
- SB I-880 at loop on-ramp Dixon Landing Road;
- Westbound (WB) State Route (SR) 237 diagonal on-ramp at McCarthy Boulevard.

The existing on-ramp queues will likely be lengthened with additional traffic demand and may impact traffic operations on the local streets. We request that the applicant be required to provide additional storage on the on-ramps and/or local streets and High Occupancy Vehicle (HOV) preferential lanes for the freeway on-ramps to prevent secondary impacts from ramp-meter queues.

Caltrans has existing Traffic Operations Systems (TOS) and ramp metering equipment along I-880 and SR 237. This equipment must be maintained and kept operational during all phases of the proposed project. Should they be impacted as a result of the proposed project, including project mitigation, the applicant or the entity responsible for mitigating the project's impacts will need to obtain Caltrans approval for equipment relocation and/or replacement.

Response B-2: The proposed project would add peak hour traffic to the aforementioned segments as follows:

- NB I-880 diagonal on-ramp at Dixon Landing Road – no peak hour trips. It would be faster to use the loop ramp as vehicles would encounter two traffic signals instead of one to use this diagonal ramp.
- NB I-880 loop on-ramp at Dixon Landing Road – 13 AM Peak Hour trips and seven PM Peak Hour trips.
- SB I-880 diagonal on-ramp at Dixon Landing Road – no peak hour trips. This ramp serves the eastbound direction at Dixon Landing Road, and project traffic would be heading westbound on Dixon Landing Road.
- SB I-880 loop on-ramp at Dixon Landing Road – 19 AM Peak Hour trips and 11 PM Peak Hour trips.
- WB SR 237 diagonal on-ramp at McCarthy Boulevard – No peak hour trips. This on-ramp is more than three miles using surface streets from the project site. Most vehicle traffic would access I-880 via the Dixon Landing on-ramp to access SR 237.

The traffic study used very conservative (i.e., high) trip generation assumptions and did not assume any trip credits for the uses that are currently on the project site (i.e., constituting the environmental baseline). The existing use entitlements include 106,700 square feet of industrial park uses. This generates approximately 743 daily trips, including 90 AM Peak Hour trips and 92 PM Peak Hour trips. When these uses are considered as the baseline condition, the net trip generation on the NB I-880 loop on-ramp at Dixon Landing Road and SB I-880 loop on-ramp at Dixon Landing Road would be as follows:

NB I-880 loop on-ramp at Dixon Landing Road – Nine AM Peak Hour trips and -11 PM Peak Hour trips.

SB I-880 loop on-ramp at Dixon Landing Road – 12 AM Peak Hour trips and -25 PM Peak Hour trips.

Therefore, when both peak hours are considered, the project would generate fewer peak hour trips at the existing ramp meters than the existing entitlement use. During the AM Peak Hour when the net peak hour trips added to the ramps would be positive, the rate at which the proposed project would add traffic would be one new trip per five minutes (or less). This would have a negligible effect on the ramp meter operations.

Comment B-3: Travel Demand Management

In order to reduce impacts on Interstate 880, we suggest that this development plan include Transportation Demand Management (TDM) measures that encourage the use of walking, bicycling, and public transit. The TDM program could include bicycle sharing, vehicle sharing, and improving the pedestrian and bicycle facilities in the project area (with lighting, signage, and refreshing crosswalk and bike lane restriping). Our information, from May 2011, indicates that the Class II – Bike Lane on California Circle and the Class III – Bike Route designation on Dixon Landing have not been completed as shown in Figure 6 (page 36) of the DEIR. If the referenced bicycle facilities have not been constructed then we encourage the City of Milpitas to build them as documented in both Figures 6 and in the “Existing Bicycle Network” map (Figure 3-2) in the Milpitas Bikeway Master Plan Update.

Response B-3: The proposed housing sites are located near existing services and transit as discussed in the Draft EIR. No TDM Plan is currently proposed. The proposed project will not have a significant impact on the local transportation network, so no mitigation is required or proposed. The project will, however, make improvements to the adjacent creek trail.

The bike lane on California Circle has been installed and signs are posted. Bicycle route signs are also posted on Dixon Landing Road.

Comment B-4: Lead Agency

As the lead agency, the City of Milpitas is responsible for all project mitigation, including any needed improvements to State highways. The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see end of this letter for more information regarding encroachment permits.

Response B-4: The proposed project will have a less than significant transportation impact. No transportation related mitigation measures are required or proposed, therefore, there is no need for an encroachment permit. All identified mitigation measures for other resources areas will be included in the Mitigation, Monitoring or Reporting Plan as required by CEQA.

Comment B-5: Mitigation Reporting Guidelines

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting.
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure, and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available online at: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html

Response B-5: The proposed project will have a less than significant transportation impact. No transportation related mitigation measures are required or proposed. All identified mitigation measures for other resource areas will be included in the Mitigation, Monitoring or Reporting Plan as required by CEQA.

Comment B-6: Cultural Resources

Caltrans requires that a project environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State right-of-way. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with the California Environmental Quality Act (CEQA), Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser/vol2/vol2.html>). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW; these requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Response B-6: The project does not propose any work within a State right-of-way. For the area of disturbance, an archaeological record search was completed at the Northwest Information Center and is on file at the City. The project does not include any Federal action requiring NEPA.

This comment does not speak to any aspect of the Draft EIR. No additional response is needed.

Comment B-7: Encroachment Permit

Please be advised that any work of traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the Department's website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Response B-7: It is not anticipated that this project would require an encroachment permit. If it is determined that one is required, the applicant will follow all applicable procedures and regulations.

C. RESPONSE TO COMMENTS FROM COUNTY OF SANTA CLARA DEPARTMENT OF ENVIRONMENTAL HEALTH, JULY 23, 2013

Comment C-1: 1. It appears that the site at 1551 California Circle may be included in the project. It is unclear if Lots 1, 2, and 3 are included in the overall scope. Appendix A Section 2.8 Hazards and Hazardous Materials clearly states that “No records or evidence of hazardous materials usage on Lots 2 and 3 were found.” This is an incorrect statement since there is an active retail Chevron-branded gasoline station on Lot 3. Due to the nature of the business, if and when this station is removed, contamination from the underground storage tanks may be found.

Response C-1: The project addresses the proposed development on Lot 1 and the proposed General Plan amendments on Lots 1, 2, and 3. As noted on page 35 of Appendix A of the Initial Study, the Phase I was prepared for Lot 1 but also addressed possible off-site sources of contamination that could impact Lot 1. Therefore, any documented hazardous conditions on Lots 2 and 3 would have been discovered in the Lot 1 Phase I report.

The reference noted in the comment above that “no records or evidence of hazardous materials usage on Lots 2 and 3 were found” has been corrected. While it is true, and disclosed in the Draft EIR, that there is a gas station on Lot 3, there are no documentation of any incidents of release or other environmental conditions that would impact future development proposed by the project. The fact that Lot 3 has an operational gas station on-site is not, by itself, a significant environmental condition. Please see Section 4.0 for the updated text.

**D. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, AUGUST 5, 2013**

Comment D-1: Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 84 single family homes located south of Dixon Landing Road, on either side of California Circle. We have the following comments.

Pedestrian Bridge

VTA commends the applicant for including a new pedestrian bridge across Penitencia Creek and trail amenities. From the site plans provided, it is unclear whether this improvement will provide direct pedestrian access to the residential area and Dixon Landing Park on the other side of the creek. The trail appears to be fenced off along the California Landing residential development directly across the creek from the Waterstone site. Providing direct access would make walking for employment, shopping and recreational reasons more attractive for residents and employees on both sides of the creek. VTA encourages the City to work with the applicant as well as the owner of California Landing to build a complete pedestrian crossing between the two neighborhoods.

Response D-1: The VTA is correct that there is an existing fence between the existing creek trail and the California Landing residential development. The homeowners association for this development installed a fence to preclude non-residents from accessing the property from the creek trail. To accommodate the proposed pedestrian bridge and pedestrian traffic from both sides of the creek, the bridge will align with Aspenridge Drive, immediately south of the California Landing development. Aspenridge Drive is a public roadway and will provide full access to/from the pedestrian bridge.

Comment D-2: Bicycle Accommodations

VTA agrees with the recommendation in the TIA that “Bike parking spaces are not shown on the current plans. These should be placed in accessible, secure, and well-lit locations” (pg. 29). VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project, including bicycle lockers for long-term parking and bicycle racks for short-term parking. VTA’s Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from http://www.vta.ca.gov/bike_information/bicycle_technical_guidelines.html.

Response D-2: The City of Milpitas acknowledges VTA’s recommendations for the placement of bicycle parking on the project site. These comments will be included with the information presented to the City Council during project consideration. While not common/guest bicycle storage will be provided, individual units will include storage spaces for resident’s bicycles.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains revisions/additions to the text of the *Draft Environmental Impact Report, Waterstone Residential Project*, dated June 2013. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Appendix A – Page 35

Section 2.8.2.1, On-Site Hazardous Materials Impacts; the second paragraph will be **REVISED** as follows:

While the Phase I Environmental Site Assessment was prepared for Lot 1, it also addressed possible off-site sources of contamination that could impact Lot 1. Therefore, if any hazardous conditions were previously documented or currently existing on Lot 2 or 3, it would have been discovered in the Lot 1 Phase I report. No records or evidence of hazardous materials ~~usage~~ incident or release on Lots 2 and 3 were found.

**SECTION 5.0 COPIES OF THE COMMENT LETTERS RECEIVED ON THE
DRAFT EIR**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 24, 2013

Cindy Hom
City of Milpitas
455 East Calaveras Boulevard,
Milpitas, CA 95035

Re: Waterstone Residential Project
SCH # 2013032005

Dear Ms. Hom,

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The proposed development will impact the following at-grade highway-rail crossing:

- Dixon Landing Road, DOT # 750076A, CPUC # 001DA-8.60

The proposed residential development is located approximately half a mile from the Union Pacific Railroad (UP) Warm Springs Subdivision tracks. There are approximately 8 freight trains per day on this track traveling at 10 mph. Numerous commercial plazas and strip malls are located on North Milpitas Boulevard, east of the Dixon Landing Road rail crossing. In addition, Dixon Landing Road is used as a connector between Highway 680 and Highway 880. As such, the Waterstone Residential project may generate additional vehicular and pedestrian traffic over the Dixon Landing Road rail crossing. Due to the risk of additional traffic at the crossing, the following safety measures are recommended by CPUC:

- Install Commission Standard 8's (flashing light signal assemblies) in the northwest and southeast quadrants to provide additional warning for pedestrians.
- The City should investigate future grade separation of the crossing alongside the Bay Area Rapid Transit (BART) tracks. The Silicon Valley Rapid Transit (SVRT) project is currently under construction, creating grade separated BART tracks adjacent to the Dixon Landing Road UP rail crossing. Grade separating all rail will greatly improve safety of motorists and pedestrians and improve traffic circulation in the region.

In order to make alterations to any crossing a GO 88-B application must be submitted with the

Cindy Hom
SCH # 2013032005
July 24, 2013
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California Public Utilities Commission. Information about this application process can be found at our website at <http://www.cpuc.ca.gov/crossing>.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-3722 or email me at felix.ko@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Felix Ko', with a stylized flourish at the end.

Felix Ko
Utilities Engineer
Safety and Enforcement Division
Rail Crossings Engineering Section
505 Van Ness Ave
San Francisco, CA 94102

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY 711
www.dot.ca.gov



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July 26, 2013

SCL880242
SCL/880/PM 10.41
SCH# 2013032005

Ms. Cindy Hom
Planning Division
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035

Dear Ms. Hom:

Waterstone Residential Project – DEIR

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Draft Environmental Impact Report (DEIR) and the appended Traffic Impact Analysis (TIA) and offer the following comments:

Trip Generation

Changes in the project's description and proposed land uses have occurred since the original Traffic Impact Analysis was completed in January of 2012, which has led to changes in the project's trip generation rates. The DEIR states that these changes will result in "slightly more trips" than the original proposal but the number of additional trips "...would be too few to materially change the level of service results in the original TIA..." We request that any numeric changes to the quantitative assessment of the project's impacts be described quantitatively. Please provide Caltrans with a quantitative response prior to certifying the EIR.

Ramp Metering

The following freeway on-ramps are expected to be significantly impacted by the proposed project during ramp metering hours:

- Northbound (NB) Interstate 880 (I-880) diagonal on-ramp at Dixon Landing Road;
- NB I-880 loop on-ramp at Dixon Landing Road;
- Southbound (SB) I-880 diagonal on-ramp at Dixon Landing Road;
- SB I-880 at loop on-ramp Dixon Landing Road;
- Westbound (WB) State Route (SR) 237 diagonal on-ramp at McCarthy Boulevard.

The existing on-ramp queues will likely be lengthened with additional traffic demand and may impact traffic operations on the local streets. We request that the applicant be required to provide

Ms. Cindy Hom, City of Milpitas

July 26, 2013

Page 2 of 5

additional storage on the on-ramps and/or local streets and High Occupancy Vehicle (HOV) preferential lanes for the freeway onramps to prevent secondary impacts from ramp-meter queues.

Caltrans has existing Traffic Operation Systems (TOS) and ramp metering equipment along I-880 and SR 237. This equipment must be maintained and kept operational during all phases of the proposed project. Should they be impacted as a result of the proposed project, including project mitigation, the applicant or the entity responsible for mitigating the project's impacts will need to obtain Caltrans approval for equipment relocation and/or replacement.

Travel Demand Management

In order to reduce impacts on Interstate 880, we suggest that this development plan include Transportation Demand Management (TDM) measures that encourage the use of walking, bicycling, and public transit. The TDM program could include bicycle sharing, vehicle sharing, and improving the pedestrian and bicycle facilities in the project area (with lighting, signage, and refreshing crosswalk and bike lane striping). Our information, from May 2011, indicates that the Class II - Bike Lane on California Circle and the Class III - Bike Route designation on Dixon Landing have not been completed as shown in Figure 6 (page 36) of the DEIR. If the referenced bicycle facilities have not been constructed then we encourage the City of Milpitas to build them as documented in both Figure 6 and in the "Existing Bicycle Network" map (Figure 3-2) in the Milpitas Bikeway Master Plan Update.

Lead Agency

As the lead agency, the City of Milpitas is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right-of-way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see end of this letter for more information regarding encroachment permits.

Mitigation Reporting Guidelines

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA

Ms. Cindy Hom, City of Milpitas

July 26, 2013

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review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure, and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available online at:

<http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html>.

Cultural Resources

Caltrans requires that a project environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State right-of-way. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with the California Environmental Quality Act (CEQA), Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser/vol2/vol2.htm>). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW; these requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <<http://www.dot.ca.gov/hq/traffops/developserv/permits>>.

Ms. Cindy Hom, City of Milpitas

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Should you have any questions regarding this letter, please contact Jesse Robertson of my staff at 510-286-5535 or <jesse_robertson@dot.ca.gov>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Alm".

ERIK ALM, AICP

District Branch Chief

Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

From: Balliet, Michael [mailto:Michael.Balliet@deh.sccgov.org]
Sent: Tuesday, July 23, 2013 4:47 PM
To: Cindy Hom
Subject: Waterstone Residential Project - Comments

I would like to provide the following comments on the proposed project:

1. It appears that the site at 1551 California Circle may be included in the project. It is unclear if Lots 1, 2, and 3 are included in the overall scope. Appendix A Section 2.8 Hazards and Hazardous Materials clearly states that "No records or evidence of hazardous materials usage on Lots 2 and 3 were found." This is an incorrect statement since there is an active retail Chevron-branded gasoline station on Lot 3. Due to the nature of the business, if and when this station is removed, contamination from the underground storage tanks may be found.

Please feel free to contact me if there are any questions.

Michael Balliet
Program Manager
Solid Waste and Site Mitigation Programs
County of Santa Clara
Department of Environmental Health
1555 Berger Drive Suite #300
San Jose, CA 95112
(408) 918-1976 – Phone
(408) 280-6479 – Fax
www.ehinfo.org

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August 5, 2013

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Cindy Hom

Subject: Waterstone Residential Project

Dear Ms. Hom:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 84 single family homes located south of Dixon Landing Road, on either side of California Circle. We have the following comments.

Pedestrian Bridge

VTA commends the applicant for including a new pedestrian bridge across Penitencia Creek and trail amenities. From the site plans provided, it is unclear whether this improvement will provide direct pedestrian access to the residential area and Dixon Landing Park on the other side of the creek. The trail appears to be fenced off along the California Landing residential development directly across the creek from the Waterstone site. Providing direct access would make walking for employment, shopping and recreational reasons more attractive for residents and employees on both sides of the creek. VTA encourages the City to work with the applicant as well as the owner of California Landing to build a complete pedestrian crossing between the two neighborhoods.

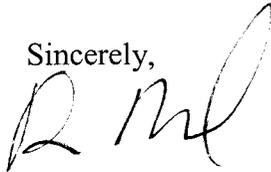
Bicycle Accommodations

VTA agrees with the recommendation in the TIA that "Bike parking spaces are not shown on the current plans. These should be placed in accessible, secure, and well-lit locations" (pg. 29). VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project, including bicycle lockers for long-term parking and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from http://www.vta.org/bike_information/bicycle_technical_guidelines.html.

City of Milpitas
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Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "R Molseed". The signature is written in a cursive style with a large, looped initial "R" and a stylized "Molseed".

Roy Molseed
Senior Environmental Planner

ML1204